



*Council Work Session - 6:30 p.m.*

## **CITY COUNCIL AGENDA**

**Tuesday, October 21, 2014**

**7:00 p.m.**

**Coon Rapids City Center**

**Council Chambers**

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### **Open Mic/Public Comment**

### **Call to Order**

### **Pledge of Allegiance**

### **Roll Call**

### **Adopt Agenda**

### **Proclamations/Presentations**

1. Heart Safe Citizen Awards

### **Approval of Minutes of Previous Meeting**

2. Approval of Minutes of October 7, 2014.

### **Consent Agenda**

3. Receive Gambling Expenditure Report for First Half of 2014.
4. Adopt Resolution 14-96 Ordering a Hazardous Building at 9910 Linnet Street, Coon Rapids, MN 55433 to Be Razed and Removed if the Home is Not Repaired.

### **Reports on Previous Open Mic**

5. Open Mic Report - Shelly Iverson of 149 104th Avenue Regarding the Riverwind Teen Center.

### **Public Hearing**

### **Bid Openings and Contract Awards**

### **Old Business**

6. Consider Approval of Resolution No. 15-4(8) Approving Plans and Specifications and Ordering Advertisement for Bids for Rehabilitation of Wells 8, 9, 10 and 13.

### **New Business**

7. Consider Authorizing Pursuit of Bids for work on Drainage Problem Areas.
8. Introduce Proposed Ordinance Setting Deadlines for Completion of Exterior Work.
9. Consider Approval of Proposed Right of Entry Agreement with Anoka County.
10. Consider Approval of Memorandum of Understanding with Morrissey Hospitality Companies Inc.
11. Consider Approval of Class A On Sale and Sunday Liquor License for Morrissey Hospitality Companies, Inc. d/b/a Harvest Grill with Conditions.

### **Other Business**

### **Adjourn**



**City Council Regular**

**1.**

**Meeting Date:** 10/21/2014

**Subject:** Heart Safe Citizen Awards

**From:** Joan Lenzmeier, City Clerk

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**INTRODUCTION**

The Heart Safe Coon Rapids Program and the Coon Rapids City Council would like to acknowledge citizens Mark Snell, Jennifer Fritz, Kristen Shields and Ryan Radke with an Outstanding Citizen Award for their heroic efforts in saving the life of Tim Buck, who collapsed from sudden cardiac arrest on July 31, 2014 at a summer concert at the Coon Rapids Dam. Tim Buck is alive and well today thanks to the efforts of these individuals and their willingness to step forward to perform compression-only CPR and use an AED to re-start Tim's heart...all of this *before* paramedics arrived on the scene.

Kim Wolf and Jinny Jorgenson will also be honored with a Citizen Recognition award for their help in comforting Fatima Buck, Tim's wife, during this incident. They went above and beyond to help Fatima remain calm, provide support and make sure she was never alone while going through this traumatic event involving her husband. Six certificates will be awarded to all of the individuals being honored.

**DISCUSSION**

**RECOMMENDATION**

Present citizen awards to recipients.

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**City Council Regular**

**2.**

**Meeting Date:** 10/21/2014

**SUBJECT:** Minutes of October 7, 2014

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**Attachments**

October 7, 2014

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## **UNAPPROVED**

### **COON RAPIDS CITY COUNCIL MEETING MINUTES OF OCTOBER 7, 2014**

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#### **OPEN MIC/PUBLIC COMMENT**

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Alan Williams of 10744 Yellow Pine Street asked whether the open mic portion of the meeting was actually part of the meeting and, if it is, why the open mic is not televised. Mayor Howe explained that is the process Council has established for the open mic portion of the meeting.

Shelly Iverson of 149 104<sup>th</sup> Avenue thanked the City for the additional budget dollars in 2015 for the Teen Center. Ms. Iverson then expressed concern with the possibility of moving the Teen Center to the Ice Arena, the potential of lost funds for summer programming, and asked the Council to have staff meet with the Teen Center for input into programming, location, budgets, etc. Ms. Iverson indicated that Youth First started as a way to serve at risk youth and she does not believe that the 2015 proposal does that.

Jerry Pierce asked to have the Minutes of the September 26, 2014 Council Meeting read when they are approved so that everyone knows what is happening with Harvest Grill.

Sam Schultz of 2623 Northdale Blvd said that Ms. Iverson, over the past three months, has been a huge support for the Teen Center kids by helping kids with family issues and this has been going on for years. He then explained that he helps with cleaning and keeping up the center and helping with events. Mr. Schultz said that moving to the ice arena will be hard because they come from school and can walk. His parents work late so they cannot drive him around and most of the kids from the Teen Center are kids that are kicked out of houses or don't have a great family life and they come to the Teen Center and get help. Mr. Schultz said that moving the Teen Center will make things harder for the kids that go to the Center.

Ms. Iverson from the Teen Center clarified that the kids are misunderstanding and said she is aware that the ice arena will be one day a week. She then said that in looking at the calendar for the new proposal it states that the Teen Center will not be open in the summer other than just one day a week and she would like to know where the kids are going in the summer.

Council asked Staff to provide an update on the concerns raised by the Teen Center.

#### **CALL TO ORDER**

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The first regular meeting of the Coon Rapids City Council for the month of October was called to order by Mayor Tim Howe at 7:00 p.m. on Tuesday, October 7, 2014, in the Council Chambers.

#### **PLEDGE OF ALLEGIANCE TO THE FLAG**

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Mayor Howe led the Council in the Pledge of Allegiance.

## ROLL CALL

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Members Present: Mayor Tim Howe, Councilmembers Denise Klint, Ron Manning, Paul Johnson, Jerry Koch, Bruce Sanders and Steve Wells

Members Absent: None

## ADOPT AGENDA

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MOTION BY COUNCILMEMBER SANDERS, SECONDED BY COUNCILMEMBER WELLS, TO ADOPT THE AGENDA AS AMENDED ADDING ITEM 1A UNDER PROCLAMATIONS/PRESENTATIONS TO ALLOW FOR A PRESENTATION FROM SENATOR JOHN HOFFMAN AND REMOVING ITEM 11 FROM THE CONSENT AGENDA. THE MOTION PASSED UNANIMOUSLY.

## PROCLAMATIONS/PRESENTATIONS

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### 1A. PRESENTATION FROM SENATOR JOHN HOFFMAN

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Senator John Hoffman addressed the Council and reviewed the 2014 legislative report. He was happy to report that advancements were being made in Local Government Aid. It was his hope that this would be sustainable going into the future. He announced that all-day every day kindergarten had become a reality. He stated that transportation would be a priority for him in 2015, namely Highway 10. He thanked the Council for their leadership and support.

Mayor Howe thanked Senator Hoffman for the update.

## APPROVAL OF MINUTES OF PREVIOUS MEETINGS

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1. AUGUST 13, 2014, WORK SESSION
  2. SEPTEMBER 2, 2014, WORK SESSION
  3. SEPTEMBER 16, 2014, COUNCIL MEETING
  4. SEPTEMBER 23, 2014, WORK SESSION
  5. SEPTEMBER 26, 2014, SPECIAL CITY COUNCIL MEETING
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MOTION BY COUNCILMEMBER SANDERS, SECONDED BY COUNCILMEMBER KLINT, FOR APPROVAL OF THE MINUTES OF THE AUGUST 13, 2014, WORK SESSION MEETING. THE MOTION PASSED 6-0-1 (JOHNSON ABSTAINED).

MOTION BY COUNCILMEMBER MANNING, SECONDED BY COUNCILMEMBER KLINT, FOR APPROVAL OF THE MINUTES OF THE SEPTEMBER 2, 2014, WORK SESSION MEETING. THE MOTION PASSED UNANIMOUSLY.

MOTION BY COUNCILMEMBER KLINT, SECONDED BY COUNCILMEMBER WELLS, FOR APPROVAL OF THE MINUTES OF THE SEPTEMBER 16, 2014, COUNCIL MEETING. THE MOTION PASSED UNANIMOUSLY.

MOTION BY COUNCILMEMBER SANDERS, SECONDED BY COUNCILMEMBER WELLS, FOR APPROVAL OF THE MINUTES OF THE SEPTEMBER 23, 2014, WORK SESSION MEETING. THE MOTION PASSED UNANIMOUSLY.

MOTION BY COUNCILMEMBER KLINT, SECONDED BY COUNCILMEMBER JOHNSON, FOR APPROVAL OF THE MINUTES OF THE SEPTEMBER 26, 2014, SPECIAL CITY COUNCIL MEETING. THE MOTION PASSED UNANIMOUSLY.

CONSENT AGENDA/INFORMATIONAL BUSINESS

6. ADOPT RESOLUTION 14-89 ACCEPTING THE 2015 TZD ENFORCEMENT GRANT FROM THE MINNESOTA OFFICE OF TRAFFIC SAFETY, AND AUTHORIZE THE POLICE CHIEF OR DESIGNEE TO ADMINISTER AND ACT AS THE FISCAL AGENT FOR THE GRANT
7. APPROVE CHANGE ORDERS AND FINAL PAYMENT TO GEISLINGER AND SONS, INC. IN THE AMOUNT OF \$31,911.37 FOR PROJECT 13-24, LIFT STATION NO. 8
8. APPROVE OF CHANGE ORDER AND FINAL PAYMENT TO NORTH VALLEY, INC. IN THE AMOUNT OF \$34,178.59 FOR PROJECT 13-8, STREET RECONSTRUCTION
9. ACCEPT PETITION REQUESTING THE ESTABLISHMENT OF THE THOUSAND OAKS IV TOWNHOMES ASSOCIATION HOUSING IMPROVEMENT AREA AND ORDER A PUBLIC HEARING FOR DECEMBER 2, 2014 AT 7:00 P.M.
10. APPROVE THE FOLLOWING FOR THE 2014 GENERAL ELECTION:
  - A. APPROVE THE APPOINTMENT OF THE ATTACHED LIST OF ELECTION JUDGES
  - B. AUTHORIZE THE CITY CLERK TO APPOINT AND ASSIGN ELECTION JUDGES DURING THE 25 DAYS PRECEDING THE ELECTION AS NECESSARY
  - C. SCHEDULE A SPECIAL MEETING TO CANVASS ELECTION RESULTS FOR WEDNESDAY, NOVEMBER 12, 2014 AT 7:30 A.M.
11. ~~APPROVE ISSUANCE OF A CLASS A, ON SALE AND SUNDAY LIQUOR LICENSE FOR KB&J ENTERPRISES, INC., D/B/A HARVEST GRILL, 12800 BUNKER PRAIRIE ROAD, EFFECTIVE OCTOBER 8, 2014, CONTINGENT UPON VERIFICATION OF AN ANOKA COUNTY FOOD SERVICE LICENSE FOR KB&J ENTERPRISES, INC.~~
12. ADOPT RESOLUTION NO. 14-93 TO ACCEPT THE \$25,360 GRANT FROM THE U.S. DEPARTMENT OF JUSTICE ON BEHALF OF ALL THREE JURISDICTIONS WITH THE FUNDS REDISTRIBUTED IN THE MANNER PRESCRIBED BY THE GRANT;

**UNAPPROVED**

- AND TO AUTHORIZE THE CHIEF OF POLICE OR DESIGNEE TO ADMINISTER THE GRANT ON BEHALF OF ANOKA COUNTY AND CITY OF FRIDLEY
13. ACCEPT RESIGNATION OF AMY GRAVES, ACKNOWLEDGE HER CONTRIBUTION AND APPOINT MR. BILL PETERSON TO THE COON RAPIDS HISTORICAL COMMISSION WITH A TERM TO EXPIRE ON DECEMBER 31, 2015
  14. APPROVE WAIVER OF \$77 LICENSE FEE FOR BOY SCOUT TROOP 212 TO OPERATE A CHRISTMAS TREE LOT
  15. ACCEPT EASEMENT FOR DRAINAGE AND UTILITY PURPOSES FROM JERELYN S. PARKER AND SHARON LEE PARKER.
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MOTION BY COUNCILMEMBER MANNING, SECONDED BY COUNCILMEMBER JOHNSON, FOR APPROVAL OF THE CONSENT AGENDA AS AMENDED REMOVING ITEM 11.

Mayor Howe thanked all residents who serve as election judges for their dedication to the community.

THE MOTION PASSED UNANIMOUSLY.

**PUBLIC HEARING**

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None.

**OLD BUSINESS**

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None.

**NEW BUSINESS**

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16. CONSIDER APPROVAL OF PROPOSED LOT SPLIT AND VARIANCES TO MINIMUM LOT WIDTH, DEPTH, AND AREA REQUIREMENTS FOR 10425 JAY STREET WITH CONDITIONS
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The Staff report was shared with Council.

MOTION BY COUNCILMEMBER KOCH, SECONDED BY COUNCILMEMBER SANDERS, TO APPROVE THE PROPOSED LOT SPLIT AND THE VARIANCES TO MINIMUM LOT WIDTH, DEPTH AND AREA REQUIREMENT WITH THE FOLLOWING CONDITIONS:

1. ALL COMMENTS OF THE CITY ENGINEER MUST BE ADDRESSED.

2. COMPLIANCE WITH TITLE 11, LAND DEVELOPMENT REGULATIONS.
3. PARK DEDICATION FOR THE TWO LOTS BE PAID IN THE AMOUNT OF \$2,000 PER LOT PRIOR TO RELEASING THE LOT SPLIT FOR RECORDING.

AND STRIKING THE FOLLOWING CONDITION:

4. THE APPLICANT MUST APPLY TO THE CITY TO VACATE THE ALLEY LOCATED TO THE REAR OF THE PROPERTIES.

THE MOTION PASSED UNANIMOUSLY.

17. CONSIDER APPROVAL OF AN AMENDMENT TO THE CITY ASSESSMENT POLICY AND APPROVE RATES FOR THE 2015 STREET RECONSTRUCTION PROGRAM

The Staff report was shared with Council.

MOTION BY COUNCILMEMBER SANDERS, SECONDED BY COUNCILMEMBER WELLS, TO APPROVE AN AMENDMENT TO THE CITY ASSESSMENT POLICY AND APPROVE RATES FOR THE 2015 STREET RECONSTRUCTION PROGRAM. THE MOTION PASSED UNANIMOUSLY.

18. CONSIDER APPROVAL OF USE AND DESIGN FLEXIBILITY FOR TWO MONUMENT SIGNS ALONG COON RAPIDS BOULEVARD FOR MERCY HOSPITAL

The Staff report was shared with Council.

Mayor Howe asked if the third sign would require design and use flexibility. Community Development Director Nevinski discussed the third sign (D3) for Mercy Hospital and its location, noting this interior sign was already in place and would not require design or use flexibility.

MOTION BY COUNCILMEMBER MANNING, SECONDED BY COUNCILMEMBER JOHNSON, TO APPROVE THE REQUEST FOR DESIGN AND USE FLEXIBILITY TO ALLOW A 15 FOOT TALL MONUMENT SIGN AND A 20 FOOT TALL MONUMENT SIGN BASED ON THE FOLLOWING FINDINGS:

1. THE APPLICANT DEMONSTRATED THAT THE MODIFICATION IS NECESSARY TO RESPOND TO SITE CONDITIONS. THE LARGE BUILDING AND THE AMOUNT OF INFORMATION THAT HAS TO BE DISPLAYED CREATES THE NEED FOR TALLER SIGNS TO ENSURE THAT LETTERING IS LEGIBLE.

2. THE LARGER SIGNS WILL RESULT IN BETTER INTEGRATION OF USES. THE SIGNS CAN BETTER DIRECT TRAFFIC INTO AND AROUND THE SITE.
3. THE PLACEMENT OF THE MONUMENT SIGN AWAY FROM COON RAPIDS BOULEVARD AND THE FACT THE HOSPITAL BUILDING AND SKYWAY PROVIDE A BACKDROP FOR THE SIGN WILL MITIGATE POTENTIAL ADVERSE EFFECTS OF THE TALLER SIGN.
4. THE UNIFORM DESIGN OF THE SIGNS WILL HELP PEOPLE IDENTIFY THAT THEY ARE ON THE MERCY HOSPITAL COMPLEX AND NOT AN ADJACENT SITE.
5. THE MODIFICATION WILL ADVANCE THE INTENT OF THE SECTION IN THAT IT WILL PROTECT THE HEALTH AND SAFETY OF INDIVIDUALS COMING TO THE HOSPITAL BY PROVIDING CLEARER AND MORE LEGIBLE INFORMATION AND DIRECTIONS.
6. BECAUSE OF THE WAY THE PROPERTY HAS BEEN DEVELOPED AND THE LENGTH OF FRONTAGE ALONG COON RAPIDS BOULEVARD, A THIRD SIGN ALONG COON RAPIDS BOULEVARD WILL ADVANCE THE GOAL OF HAVING THE SITE FUNCTION IN AN EFFICIENT AND WELL ORGANIZED MANNER.
7. THE THIRD SIGN WILL BE BUFFERED WITH THE BACKDROP OF THE SKYWAY, EXISTING LANDSCAPING AND THE HOSPITAL BUILDING.
8. THE ADDITIONAL SIGN WILL NOT DETRACT FROM THE OTHER USES IN THE PORT.

Councilmember Sanders suggested the Council review the Sign Ordinance at a future worksession meeting.

Mayor Howe directed staff to review the Sign Code further and report back to the Council.

Community Development Director Nevinski stated the current sign standard works for the majority of the properties along Coon Rapids Boulevard. For the other property owners, their requests were allowed to request design and use flexibility, which then allowed for staff review with conditions.

THE MOTION PASSED UNANIMOUSLY.

19. CONSIDER ADOPTION OF RESOLUTION 14-94 PROVIDING FOR THE SALE OF \$9,720,000 GENERAL OBLIGATION BONDS, SERIES 2014A
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The Staff report was shared with Council.

MOTION BY COUNCILMEMBER JOHNSON, SECONDED BY COUNCILMEMBER KLINT, TO ADOPT RESOLUTION NO. 14-94 PROVIDING FOR THE SALE OF \$9,720,000 GENERAL OBLIGATION BONDS, SERIES 2014A. THE MOTION PASSED UNANIMOUSLY.

20.     CONSIDER ADOPTION OF RESOLUTION NO. 14-85 ESTABLISHING COON RAPIDS ICE CENTER FEES AND CHARGES, AND APPROVE THE USER GROUP CONTRACTS
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The Staff report was shared with Council.

MOTION BY COUNCILMEMBER MANNING, SECONDED BY COUNCILMEMBER KLINT, TO ADOPT RESOLUTION NO. 14-85 ESTABLISHING COON RAPIDS ICE CENTER FEES AND CHARGES, AND APPROVE THE USER GROUP CONTRACTS. THE MOTION PASSED UNANIMOUSLY.

21.     CONSIDER APPROVAL OF THE 2014 COMPREHENSIVE WATER SYSTEM PLAN UPDATE
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The Staff report was shared with Council.

MOTION BY COUNCILMEMBER KLINT, SECONDED BY COUNCILMEMBER SANDERS, TO APPROVE THE 2014 COMPREHENSIVE WATER SYSTEM PLAN UPDATE. THE MOTION PASSED UNANIMOUSLY.

22.     CONSIDER APPROVAL OF THE TERMS OF THE LOAN AGREEMENT WITH AMERICAN LITTLE LEAGUE AND AUTHORIZE STAFF TO EXECUTE SAID AGREEMENT
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The Staff report was shared with Council.

Councilmember Koch asked if staff knew what type of lighting would be used. Public Works Director Himmer anticipated the lighting would be similar to the fixtures used at Riverview Park.

MOTION BY COUNCILMEMBER MANNING, SECONDED BY COUNCILMEMBER KLINT, TO APPROVAL OF THE TERMS OF THE LOAN AGREEMENT WITH AMERICAN LITTLE LEAGUE, AND AUTHORIZE STAFF TO EXECUTE SAID AGREEMENT. THE MOTION PASSED UNANIMOUSLY.

23.     CONSIDER ADOPTION OF RESOLUTION NO. 14-92 CERTIFYING DELINQUENT

#### UTILITIES TO TAXES

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The Staff report was shared with Council.

MOTION BY COUNCILMEMBER SANDERS, SECONDED BY COUNCILMEMBER WELLS, TO ADOPT RESOLUTION NO. 14-92 CERTIFYING DELINQUENT UTILITIES TO TAXES. THE MOTION PASSED UNANIMOUSLY.

#### REPORTS ON PREVIOUS OPEN MIC

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##### 24.    OPEN MIC REPORT – KYLE PALZER – 911 110<sup>TH</sup> AVENUE

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Mayor Howe discussed Mr. Palzer's comments made during Open Mic at the September 2, 2014 Council meeting.

#### OTHER BUSINESS

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City Attorney Brodie explained the liquor license request from KB&J was pulled from the Consent Agenda due to the fact the Department of Revenue had not approved the license. The current license holder had outstanding taxes. He advised that staff would continue to work on this matter with the applicant.

Mayor Howe indicated he recently met with members of the baseball association. He reported the older kids within the program are in need of ball fields in the Coon Rapids area. The baseball association recommended lighting the second field at Winter Crest. He requested staff investigate the expense of this project. Another opportunity would be for the City to negotiate the use of ball fields with Anoka-Ramsey again.

#### ADJOURN

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MOTION BY COUNCILMEMBER SANDERS, SECONDED BY COUNCILMEMBER JOHNSON, TO ADJOURN THE MEETING AT 7:59 P.M. THE MOTION PASSED UNANIMOUSLY.

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Tim Howe, Mayor

ATTEST:

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Joan Lenzmeier, City Clerk





**City Council Regular**

**3.**

**Meeting Date:** 10/21/2014

**Subject:** Gambling Expenditure Report

**Submitted For:** Stephanie Lincoln, Deputy City Clerk

**From:** Stephanie Lincoln, Deputy City Clerk

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**INTRODUCTION**

City Code 5-2010 requires a semi-annual accounting of gambling expenditures which directly benefit Coon Rapids and cities within the trade area from the organizations licensed by the State Gambling Control Board.

**DISCUSSION**

Staff has received and reviewed the semi-annual reports for January 1 through June 30, 2014 showing gambling expenditures within the City of Coon Rapids and trade area for the six organizations at 15 locations. The combined net profit this period was reported at \$345,116 with expenditures within the trade area (which includes City of Coon Rapids) reported at \$406,638. The reported combined expenditures specifically within the City of Coon Rapids was \$379,715. All organizations achieved the 60% expenditure requirement within the trade area for this period.

**RECOMMENDATION**

Council is requested to receive the gambling expenditure report for the first half of 2014.

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**Attachments**

**Gambling Expenditures Jan to June 2014**

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### January 1 - June 30, 2014 Semi-Annual Gambling Expenditures Report

Organization	Net Profit	Coon Rapids Expenditures	Coon Rapids %	Trade Area Expenditures	Trade Area %
American Legion Post #334	\$ 48,707.00	\$ 33,988.86	70%	\$ 43,553.86	89%
Coon Rapids Lions	\$ 10,690.00	\$ 8,889.59	83%	\$ 11,439.59	107%
Coon Rapids Mat Bandits	\$ 103,849.69	\$ 119,061.22	115%	\$ 119,061.22	115%
Coon Rapids National Little League	\$ 54,671.22	\$ 68,033.05	124%	\$ 68,033.05	124%
Coon Rapids VFW Post #9625	\$ 13,408.75	\$ 4,026.07	30%	\$ 18,834.65	140%
Coon Rapids Youth Hockey	\$ 113,789.52	\$ 145,715.72	128%	\$ 145,715.72	128%
Total	\$ 345,116.18	\$ 379,714.51	110%	\$ 406,638.09	118%



## City Council Regular

4.

**Meeting Date:** 10/21/2014

**Subject:** Approve Resolution 14-96 Order Concerning Hazardous Building Located at 9910 Linnet Street

**Submitted For:** David Brodie, City Attorney

**From:** Kim Reid, Administrative Legal Assistant

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### **INTRODUCTION**

Council is asked to approve Resolution 14-96 an Order of the City Council of Coon Rapids, Anoka County Minnesota declaring a hazardous at 9910 Linnet Street, Coon Rapids, MN 55433 and ordering the home be razed and removed if the home is not repaired.

### **DISCUSSION**

The building at 9910 Linnet Street, Coon Rapids, MN 55433 consists of a single family home owned by David Siusta. On August 29, 2011 the property was found to be in violation of City Code 12-306. At that time, the owner was ordered to remove the excessive clutter inside the home. On September 12, 2011 the property was burglarized and a follow up inspection was completed. It was found that no building permits were issued nor progress was made on the repairs.

On April 1, 2014 the Inspections Department received a report from the Police Department that the property had been burglarized. The Chief Building Official, Greg Brady and Code Enforcement Inspector, Adam Mitlyng went to the property later that day and found the property to be in a sever state of disrepair. An interior inspection from the entry steps revealed as follows: the ceiling had several water stains; the stucco showed signs of water intrusion above the entryway; the front entry was cluttered and no clear path to the stairway; and handrail and guardrail for the stairway was not in place.

On May 30, 2014 a follow up investigation was done. It was found that the home was still showing visible signs of distress and dilapidation. A visual inspection of the exterior revealed as follows: the roofing was extremely weathered and had collapsed through the eaves in one area; the gas meter had been locked and the electrical meter had been removed; the mailbox was still in place and it appeared mail was still being sent to it; several windows were missing or had been replaced with plywood; and the front door and frame showed signs of sever damage.

The Chief Building Official, Greg Brady sent four more letters to owner, David Siusta dated June 25, 2014, July 25, 2014, September 2, 2014 and October 2, 2014. To date, the City has not heard from owner, David Siusta regarding the property located at 9910 Linnet Street, Coon Rapids, MN 55433.

Per Minnesota § § 463.15 to 463.26, a city may order the owner of any hazardous building or property within the municipality to correct or remove the hazardous condition of the building or property or to raze or remove the building. In the event that the owner does not follow a city's order within the time prescribed, the city may abate the hazardous condition by following the procedures set out in the statute. The procedure requires that the city obtain a court order affirming the city council order and authorizing the city to abate the hazardous building.

Hazardous building or hazardous property means "any building or property, which because of inadequate maintenance, dilapidation, physical damage, unsanitary condition, or abandonment constitutes a fire hazard or a hazard to public safety or health." Minn. Stat. § 463.15, subd. 3.

In staff's opinion, the structure on the property is hazardous and unsalvageable and should be razed and removed.

**RECOMMENDATION**

Adopt Resolution 14-96 Ordering a Hazardous Building at 9910 Linnet Street, Coon Rapids, MN 55433 to Be Razed and Removed if the Home is Not Repaired.

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**BUDGET IMPACT:**

Approximately \$15,000 to raze the building will be assessed against the property. State Statute requires the assessment be paid in up to five yearly installments at eight percent interest.

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**Attachments**

Resolution 14-96

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## **RESOLUTION NO. 14-96**

### **RESOLUTION ORDERING THE RAZING OF A HAZARDOUS BUILDING LOCATED AT 9910 LINNET STREET, COON RAPIDS, MN 55433**

**WHEREAS**, pursuant to Minn. Stat. §§ 463.15 and 463.261, the City Council of the City of Coon Rapids finds the building located at 9910 Linnet Street, Coon Rapids, MN 55433 to be a hazardous building for the following reasons:

1. The interior of the home has excessive personal items inside which block clear exit paths and create an excessive fuel load in the event of a fire. Violation of City Code 12-306(15);
2. The home has several boarded up windows and the exterior of the home is in a state of disrepair. There are numerous openings in the soffits and eaves of the home allowing rodents to enter. Violation of City Codes 12-306(1) and 12-306(3);
3. The roof of the home has deteriorating shingles which show signs of water leakage into the walls, visible from the outside. Violation of City Code 12-306(1);
4. The front door is rotted and is no longer sound due to two separate break ins and the property. Attempts to repair the screen door have failed and is falling apart. Violation of City Codes 12-306(3) and 12-306(9)(a)(b); and
5. The electrical, gas and water services to the home have been shut off for over a year's time. Monitoring of any activity at the home has revealed no one has resided there during that time. Violation of City Code 12-306(6)(7).

**WHEREAS**, the conditions listed above are more fully documented in the inspection report, letters and photographs prepared by the Chief Building Official, Greg Brady. Copies of which are attached to this resolution as Exhibit A.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of Coon Rapids, Minnesota as follows:

1. That pursuant to the foregoing findings and in accordance with Minn. Stat. §§ 463.15 and 463.261, the council orders the record owners of the above hazardous building or their representatives to make the following corrections on the property at 9910 Linnet Street, Coon Rapids, MN 55433:
  - a. Correct the condition of the leaking roof on the house and garage to prevent additional water intrusion;

- b. Repair and/or removal of any water damaged materials inside the dwelling, including the abatement of any mold or fungus present in or on the structure or building materials; and
  - c. Repair or replace all missing window frames, broken panes of glass and repair and replace all damaged doors throughout the dwelling.
- 2. That the repairs listed above must all be made within 45 days after the order is served upon the property owner. The repairs must be completed in compliance with all applicable codes and regulations, pursuant to proper permits from the City.
- 3. That if repairs are not made within the time provided in paragraph 2, the building is ordered to be razed, the foundations filled, and the property left free of debris, in compliance with all applicable codes and regulations, pursuant to proper permits from the City. This must be completed within 30 days after the initial time period provided in paragraph 2 has expired.
- 4. That a motion for summary enforcement of the order will be made to the District Court of Anoka County in which the hazardous building or property is situated unless corrective action is taken, or unless an answer is filed within the time specified in Minn. Stat. § 463.18, which is 20 days.
- 5. That in accordance with Minn. Stat. § 463.24, the owner or occupant must remove all personal property and/or fixtures that will reasonably interfere with the work within 30 days. If the property and/or fixtures are not removed and the City enforces this order, the City may sell personal property, fixtures, and/or salvage materials at a public auction after three days posted notice.
- 6. That if the City must take actions to enforce this order, all enforcement costs will be specially assessed against the property and collected in accordance with Minn. Stat. §§ 463.22, 463.161, and 463.21.
- 7. That the City Attorney is authorized to serve this order upon the owner of the premises at 9910 Linnet Street, Coon Rapids, MN 55433 and all lien-holders of record and any tenant in possession.
- 8. That the City Attorney is authorized to proceed with the enforcement of this order as provided in Minn. Stat. §§ 463.15 and 463.261.

Adopted this 21<sup>st</sup> day of October, 2014.

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Tim Howe, Mayor

ATTEST:

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Joan Lenzmeier, City Clerk

11155 Robinson Drive  
Coon Rapids MN 55433  
Tel 763-767-6476  
Fax 763-767-6573  
www.coonrapidsmn.gov



April 1, 2014

### Inspection Report

The Inspections Department received a report from the Police Department about a burglary which had taken place at 9910 Linnet Street. Code Enforcement Inspector, Adam Mitlyng and myself visited the property later that day and found the inside of the property to be in a severe state of disrepair.

1. I am the Chief Building Official for the City of Coon Rapids and have worked in this capacity since 2013. I have previously worked for other municipalities as a Chief Building Official and as a building inspector since 1996.
2. Based upon my investigation, review of pertinent reports and correspondence by and communications with the Coon Rapids Code Enforcement and Police Departments and representatives of involved agencies or entities, and all other information obtained by me, I have learned the following.
  - A. The property was found to be in violation of City Code 12-306 on August 29, 2011. The owner was then ordered to remove the excessive clutter inside the home. A follow up inspection on September 12, 2011 showed no building permits or progress was made on the ordered repairs. The home was also burglarized in this same day and was then secured by the City and put on the vacant properties list. The water service was shut off to avoid further damage to the home from freezing pipes.
  - B. Further attempts to contact with the owner from 2011 to 2014 did not result in any response from the owner or the abatement of the hazardous conditions.
  - C. An interior inspection made from the entry steps on April 1st, 2014 revealed that the poor condition of the roof has allowed water to enter the home. The ceiling has several water stains on it. The stucco also shows sign of water intrusion above the entryway. As a result mold has most likely formed inside on the walls and ceiling of the home.
  - D. The front entry of the home was cluttered and no clear path to the stairway was evident. In addition, the basement and upper portions of the home were also filled to excess with personal items. The handrail and guardrail for the stairway is not in place. These cluttered conditions are a fire hazard and have not been addressed since they were first identified back in 2011.
  - E. A follow up investigation into the status of the home on May 30th, 2014 found that the home is still showing visible signs of distress and dilapidation. The roofing of the home is extremely weathered and has collapsed through to the eaves in one area. A visual inspection of the exterior of the home revealed that the gas meter has been locked and the electrical meter have

Exhibit A



been removed. The mailbox for the property is still in place and mail is being sent to it. There are several windows which are missing or have been replaced with plywood. The front door and frame shows signs of severe damage as a result of the two break ins and needs to be replaced. The City had the front door secured with a lock and hasp on April 1, 2014.

11155 Robinson Drive  
Coon Rapids MN 55433  
Tel 763-767-6476  
Fax 763-767-6573  
www.coonrapidsmn.gov



June 25th, 2014

David Siusta  
9910 Linnet Street  
Coon Rapids, MN 55433

RE: 9910 Linnet Street. Coon Rapids, MN

Dear Mr Siusta,

Anoka County records indicate that you own the property at the above address which was been posted as uninhabitable on November 29th, 2011. The Building Inspections department has been monitoring the dwelling and has determined that no one resides at the property. It was also determined that the building has been left in a state of disrepair for an extended period of time. This was evidenced by the deteriorated condition of the shingles on the roof, the broken and boarded up windows, the soffits and eaves which are falling off the building and the gas, electric and water services to the home have been disconnected.

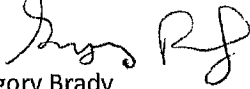
In addition, city records indicate that a compliance order was also issued requiring the property be brought in compliance with city ordinance 12-300 on June 21, 2011. The purpose of this letter is to reaffirm that declaration and order the correction of the hazardous condition(s). The structure is required to be water tight and meet minimum standards set forth in the Minnesota State Building Code and City Ordinance 12-300. Permits and inspections are required for the repairs and any new work. Failure to bring the property into compliance may result in further action by the city under Minnesota Statute 463.15 through 463.26. Including the demolition of the structures on the property.

To avoid any penalties or further action, you **must** comply with one of the following:

1. Immediately correct the condition of the leaking roof on the house and garage to prevent additional water intrusion. This includes the repair and or removal of any damaged materials inside the dwelling, including the abatement of any mold or fungus present in or on the structure or building materials. Repair or replace all the missing and broken panes of glass throughout the dwelling. You have 30 days to complete the repairs on the property.
2. Present a timeline with projected completion dates, secure the required permits for the work and call for pass all inspections of the work.
3. Demolish both the house and garage to bring the property into compliance with city code.

4. You have the right to appeal this decision on or before 10 days of receipt of this letter. The appeal shall be in writing and specify the grounds for the appeal, and be filed with The Building Official within 10 business days after service of this order.

Thank you for your attention to this matter,

A handwritten signature in black ink, appearing to read "Gregory Brady", with a stylized flourish at the end.

Gregory Brady  
Chief Building Official  
City of Coon Rapids

11155 Robinson Drive  
Coon Rapids MN 55433  
Tel 763-767-6476  
Fax 763-767-6573  
www.coonrapidsmn.gov



July 25, 2014

David Siusta  
9910 Linnet St  
Coon Rapids, MN 55433

RE: 9910 Linnet St. Coon Rapids, MN

Dear Mr. Siusta,

This is your second notice of a violation of Coon Rapids City Ordinance.

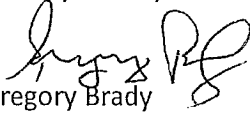
Anoka County records indicate that you own the property at the above address which was posted uninhabitable on November 29th, 2011. The Building Inspections department has been monitoring the property and verified no one resides there at this time. It was also determined the dwelling had been left in a state of disrepair for an extended period of time. This was evidenced by the fact that many of the window panes are broken and have been covered with plywood. Also, the roof of the dwelling has severely deteriorated and is falling down into the soffits and overhangs. In some areas water is leaking into the walls below.

In addition, city records indicate a compliance order was issued on November 21, 2012 requiring the property be brought in compliance with city ordinance 12-300. The purpose of this letter is to reaffirm that declaration and order the correction of the hazardous condition(s). The structure is required to be water tight and meet minimum standards set forth in the Minnesota State Building Code and City Ordinance 12-300. Permits and inspections are required for the repairs and any new work. Failure to bring the property into compliance may result in citations and or further action by the city under Minnesota Statute 463.15 through 463.26. Including the demolition of the structure.

To avoid any penalties or further action, you must comply with one of the following:

1. Immediately correct the condition of the leaking roof on the house and garage to prevent additional water intrusion. This includes the repair and or removal of any damaged materials inside the dwelling, including the abatement of any mold or fungus present in or on the structure or building materials. Repair or replace all the missing and broken panes of glass throughout the dwelling. You have 14 days to complete the repairs on the property.
2. Present a timeline with projected completion dates and secure the required permits for the work and call for pass all inspections of the work.
3. You have the right to appeal this decision on or before 10 days of receipt of this letter. The appeal shall be in writing and specify the grounds for the appeal, and be filed with The Building Official within 10 business days after service of this order.

Thank you for your attention to this matter,

A handwritten signature in black ink, appearing to read 'Gregory Brady', with a stylized flourish at the end.

Gregory Brady

Chief Building Official

City of Coon Rapids (763)767-6475

11155 Robinson Drive  
Coon Rapids MN 55433  
Tel 763-767-6476  
Fax 763-767-6573  
www.coonrapidsmn.gov



September 2, 2014

David Siusta  
9910 Linnet Street  
Coon Rapids, MN 55303

RE: 9910 Linnet Street. Coon Rapids, MN

Dear Mr Siusta,

This is your third and **FINAL NOTICE** of a violation of Coon Rapids City Ordinance.

Anoka County records indicate that you own the property at the above address which was been posted as uninhabitable on November 29th, 2011. The Building Inspections department has been monitoring the dwelling and has determined that no one resides at the property. It was also determined that the building has been left in a state of disrepair for an extended period of time. This was evidenced by the deteriorated condition of the shingles on the roof, the broken and boarded up windows, the soffits and eaves which are falling off the building and the gas, electric and water services to the home have been disconnected.

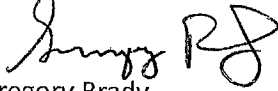
In addition, city records indicate that a compliance order was also issued requiring the property be brought in compliance with city ordinance 12-300 on June 21, 2011. The purpose of this letter is to reaffirm that declaration and order the correction of the hazardous condition(s). The structure is required to be water tight and meet minimum standards set forth in the Minnesota State Building Code and City Ordinance 12-300. Permits and inspections are required for the repairs and any new work. Failure to bring the property into compliance may result in further action by the city under Minnesota Statute 463.15 through 463.26. Including the demolition of the structures on the property.

The city has recently sent two letters on this topic to you on both June 25th and July 25th of 2014 which have gone unanswered. This process which was started on June 24th, 2014 will continue to move forward until the matter is resolved and the property is brought into compliance. This includes the declaring the building a public nuisance and using all means available to the city. You have until 4:30 PM on September 12th, 2014 to answer this letter or the city will be forced to take further legal action to correct the violations. This is **your final notice of a violation of Coon Rapids Ordinance 12-315**. The city will begin the hazardous building process on September 16th, 2014 under Coon Rapids Ordinance 12-315. The city will officially declare the building a public nuisance and will then be taking the necessary steps to abate the property and bring it into compliance with city ordinances.

To avoid any penalties or further action, you **must** comply with one of the following:

1. Immediately correct the condition of the leaking roof on the house and garage to prevent additional water intrusion. This includes the repair and or removal of any damaged materials inside the dwelling, including the abatement of any mold or fungus present in or on the structure or building materials. Repair or replace all the missing and broken panes of glass throughout the dwelling. You have 30 days to complete the repairs on the property.
2. Present a timeline with projected completion dates, secure the required permits for the work and call for pass all inspections of the work.
3. Demolish both the house and garage to bring the property into compliance with city code.
4. You have the right to appeal this decision on or before 10 days of receipt of this letter. The appeal shall be in writing and specify the grounds for the appeal, and be filed with The Building Official within 10 business days after service of this order.

Thank you for your attention to this matter,

A handwritten signature in black ink, appearing to read 'Gregory Brady' with a stylized 'RJ' or similar mark at the end.

Gregory Brady  
Chief Building Official  
City of Coon Rapids



# COON RAPIDS Minnesota

## NOTICE OF HAZARDOUS BUILDING COON RAPIDS CITY CODE 12-314 AND/OR MINNESOTA STATUTES, SECTIONS 463.15 – 463.26

October 2nd, 2014

David Siusta  
9910 Linnet Street  
Coon Rapids MN 55433

Re: Your property located at 9910 Linnet Street Coon Rapids, MN 55433

Dear Mr. Siusta:

Please take **NOTICE** that on September 17th, 2014 your property at 9910 Linnet Street has been posted as a hazardous building. Based on an inspection conducted on April 1st, 2014 the condition of the building, described in more detail below, I hereby find that occupancy poses an immediate threat to health and safety and that the building should be razed (demolished and removed).

**FINDINGS.** Pursuant to City Code §12-314 and Minnesota Statutes, Sections 463.15 to 463.26 I hereby find that because of inadequate maintenance, dilapidation, physical damage, unsanitary condition, or abandonment, the building constitutes a fire hazard or a hazard to public safety or health and the building must be repaired or razed. The conditions that led to this determination are:

- The interior of the home has excessive personal items inside which block clear exit paths and create an excessive fuel load in the event of a fire.
- The home has several boarded up windows and the exterior of the home is in a state of disrepair. There are numerous openings in the soffits and eaves of the home allowing rodents to enter.
- The roof of the home has deteriorating shingles which show signs of water leakage into the walls, visible from the outside.
- The front door is rotted and is no longer sound due to two separate break ins at the property. Attempts to repair the screen door have failed and it too is falling apart.
- The electrical, gas and water services to the home have been shut off for over a year's time. Monitoring of any activity at the home has revealed no one has resided there during that time.
- Previous attempts to contact you on this matter have gone unanswered leading the City of Coon Rapids to conclude the home has been abandoned.

**NO OWNERSHIP TRANSFER.** While this Notice and any City Council Order is pending you may not transfer ownership of the property unless you provide a copy of this Order to the party to whom the transfer is made and notify the City prior to the transfer.

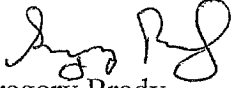
**NOTICE OF HEARING/ ORDER OF THE CITY COUNCIL.** The City Council will consider issuing an Order to raze or repair the hazardous building on October 21, 2014 at 7:00 p.m. You may appear at the Hearing if you so choose and you may be represented by an Attorney.



If you cannot afford to raze the building and wish to take care of the matter as soon as possible, you may agree to have the City contract for the work and assess the costs against the real estate as a special assessment. If you choose to do so, a written agreement will be prepared for your signature. Please contact me if you wish to enter into such an agreement.

Please contact me as soon as possible to discuss this situation.

Respectfully,

A handwritten signature in black ink, appearing to read 'Gregory Brady', with a stylized flourish at the end.

Gregory Brady  
Chief Building Official





03.18.20





03.18.20





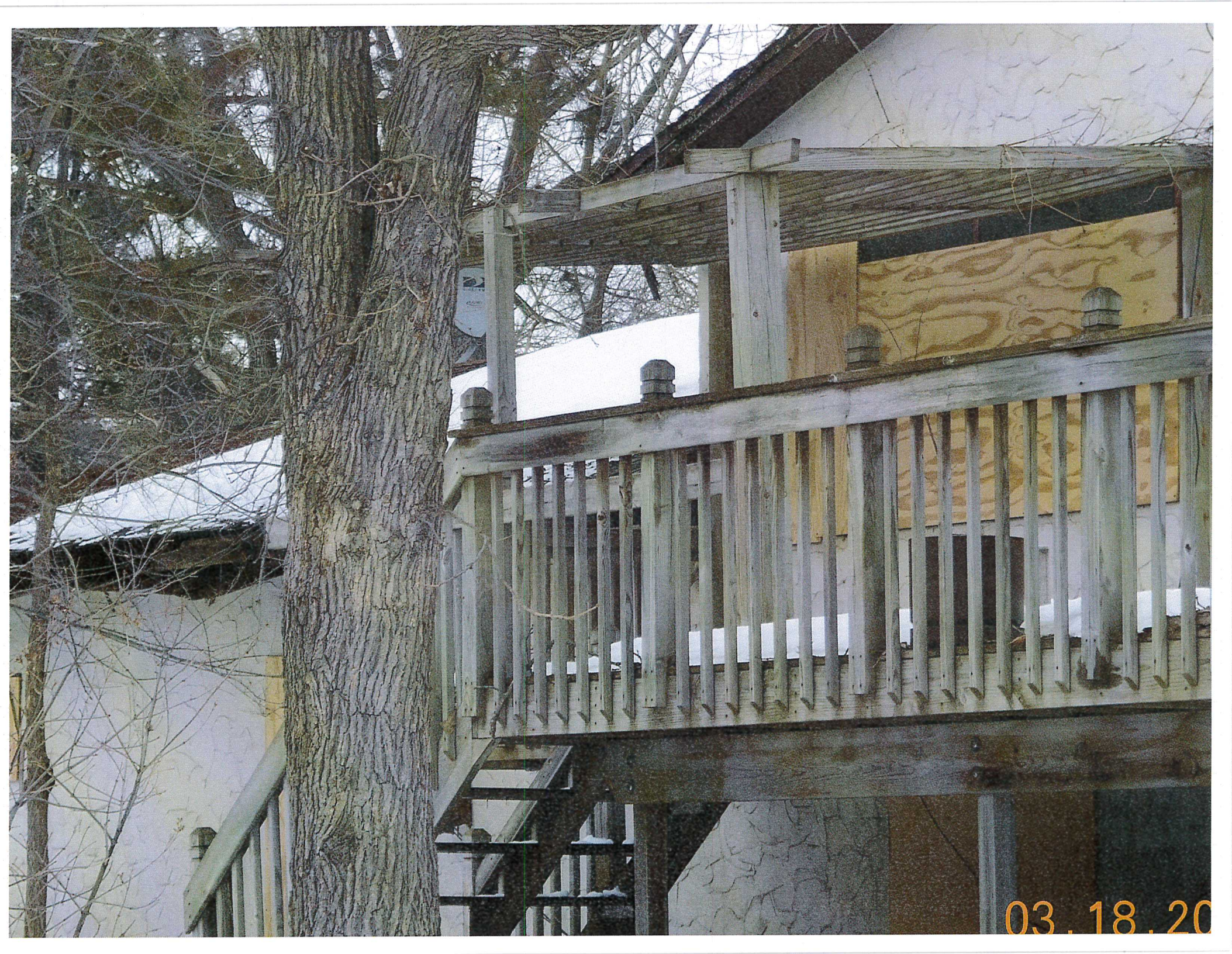
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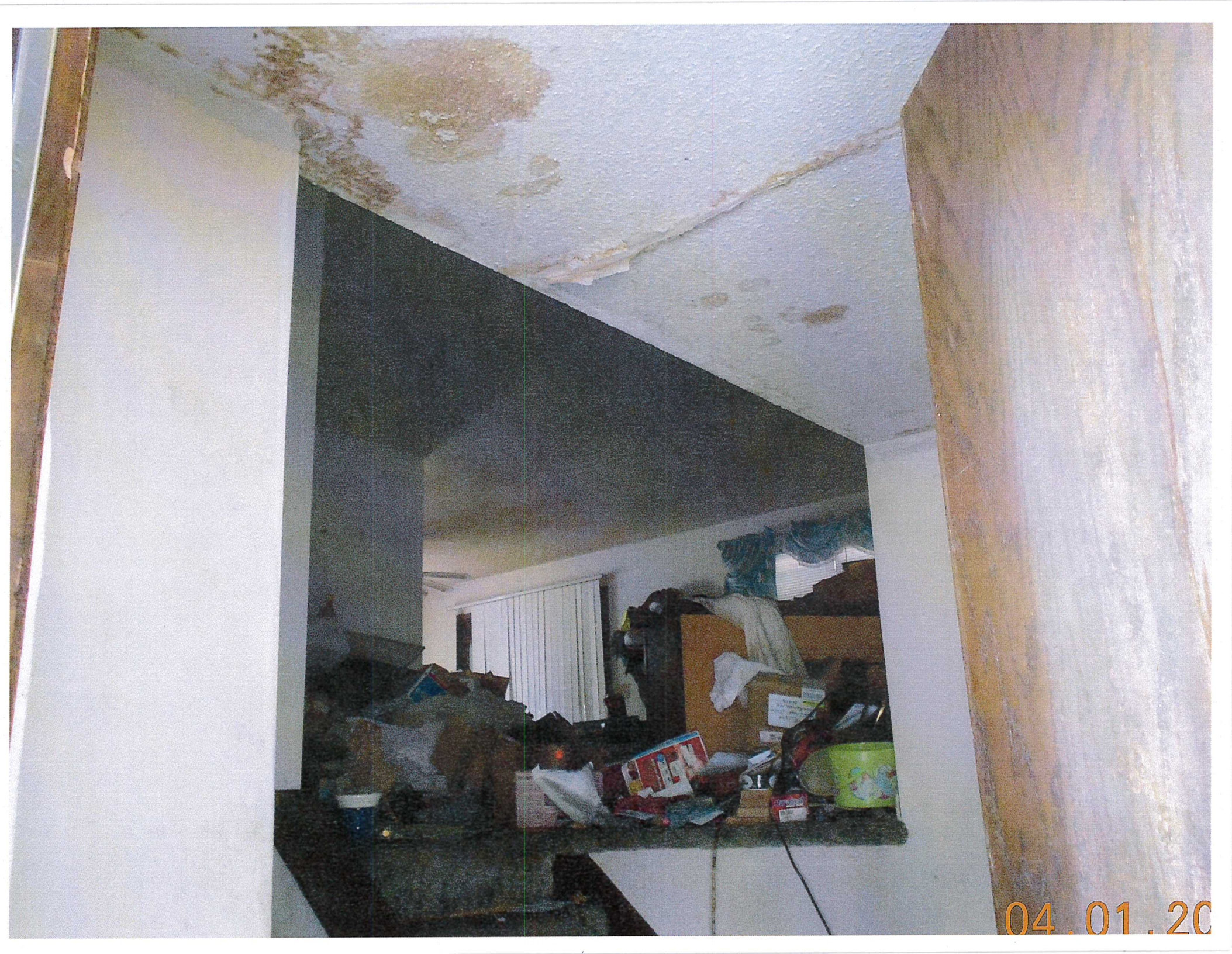
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04.01.20





## **City Council Regular**

5.

**Meeting Date:** 10/21/2014

**Subject:** Open Mic Report - Shelly Iverson, Re: Riverwind Teen Center

**From:** Tim Himmer, Public Works Director

---

### **INTRODUCTION**

Shelly Iverson of 149 104th Avenue, appeared at Open Mic at the October 7, 2014 Council meeting regarding the Riverwind Teen Center.

### **DISCUSSION**

At the October 7, 2014 Council meeting Ms. Iverson addressed the City Council with questions and concerns regarding the City's proposal for 2015 Teen Center programming, as the City is scheduled to take over operations from Community Education. Her concerns were mainly related to the notion that decisions were being made for the Teen Center operations without the involvement of users, and would make it more difficult for those currently using the facility to continue to attend and participate in events.

Specific items of concern included the possibility of moving programming to the Ice Arena and the potential of lost funds for summer programming. She asked that staff meet with the workers and users of the Teen Center for input into programming, location, budgets, etc. prior to making any final decisions. She later commented that, in looking at the calendar from the City's programming proposal, the Teen Center would not be open in the summer other than just one day a week and she would like to know where the kids are supposed to go in the summer.

Ms. Iverson was in attendance when staff and Council discussed the proposal for Teen Center operations in work session on September 23, 2014. At that meeting staff outlined a proposal for expanded programming, and received direction from Council on how to proceed (see attached memo for proposed operations). Also attached is a memo from the City's Recreation Coordinator that further explains the proposal, and the City's goal of expanding participation in the Teen Center programming. This proposal expands the current hours and offerings at the Teen Center during the school year. Summer hours are proposed to remain the same but the programming, offerings, and location vary. Staff proposed the possibility of a nominal fee for certain items and Council concurred; directing staff to determine some appropriate metrics for tracking the success of the program.

### **RECOMMENDATION**

No further action is required at this time. Staff will be visiting the Teen Center to discuss this proposal with users in an effort to seek input into specific programming desires, and is open to further direction from the Council on this matter.

---

### **Attachments**

September 23rd Work Session Proposal

Memo Clarifying Teen Center Operations

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TO: Mayor, Councilmembers,  
Steve Gatlin, Assistant City Manager

FROM: Ryan Gunderson, Recreation Coordinator

SUBJECT: Teen Center Operations

DATE: September 23, 2014

### **2015 BUDGET**

Proposed Budget \$23,558.00

Yellow = 176 days @ 4 hours at \$30.00 = \$21,120

Green = 8 days @ 4 hours at \$30.00 = \$960

Orange = 5 days @ 4 hours at \$30.00 = \$600

Total= \$22,680

Purple = Field trip days where fees will be collected.

### **Revenue Opportunities**

**Party Rentals:** The Teen Room has been a dedicated space in the past with no public access. Creating a program for the public to rent the space during off hours would allow for revenues to put back toward to program. Teens would have the opportunity to Volunteer time to monitor the space during these rentals. At 2 parties a month at \$100, this could generate \$2,400.

**Field Trips:** Age appropriate field trips can be developed as part of the program. These trips would be developed for school out days and during the summer. Trips would be staffed based on participation and participants would pay a fee that would cover the cost of chaperones, transportation, possible meal, and admission.

**Membership:** Possibility to collect a \$1.00 admission or \$10-\$20 yearly membership from users for operations and tracking/data collection.

**Grants:** The Recreation Coordinator will work to secure grant opportunities for specific programs within the Teen Center.

# 2015

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OPEN

2:30-5:30 M-TH  
6-9 F

FRIDAY @  
CRIC 6-9PM

CLOSED

School  
Out  
Field  
Trips

SPECIAL EVENTS



TO: Mayor, Councilmembers,  
Steve Gatlin, Assistant City Manager  
Tim Himmer, Public Works Director

FROM: Ryan Gunderson, Recreation Coordinator

SUBJECT: Teen Center Operations

DATE: October 13, 2014

## **INTRODUCTION**

This memo is in response to the questions brought to open mic at the October 7, 2014 Council meeting.

## **PROGRAMMING**

Under the proposed budget, hours will be expanded to provide five day a week service to the teen community. Hours will be 3-6pm Monday through Thursday and 6-9pm on Friday. Additional programs will be developed in a way to be self sufficient and where possible generate revenue for the Teen Program. These programs will utilize both the Riverwind and Ice Center buildings.

**Specialty Classes:** Where appropriate staff will work to offer enrichment opportunities that meet the needs of the group. These classes will range from free to a fee to cover the costs. Classes and programs will be done in cooperation of the users and their wants and needs.

**School Out Field Trips:** Age appropriate field trips will be developed as part of the program. These trips would be developed for school out days and during the summer. Trips would be staffed based on participation and participants would pay a fee that would cover the cost of chaperones, transportation, possible meal, and admission. These trips will also serve as a way to expand the use of the teen center. Discussions have started with neighboring communities to collaborate on these opportunities.

**Volunteerism:** The Teen Center has had a strong level of volunteerism within the Community. We will look to expand upon this and provide documentation for participant's volunteer and civic hours.

**Mentorship:** With input from the users of the Teen Center, we will work to engage the business community in a mentorship capacity.

**Summer Hours:** The teen center has been open three days a week in the past for summer hours. The program will continue to have summer hours. However, the hours will not all be at the Riverwind building. This will allow for new opportunities at the Ice Center and for the Summer Field Trip program.

## **CONCLUSION**

The Teen Center will continue to provide a safe gathering place for teens while expanding programs and community involvement. The goal is to enrich those that choose to use the Center and the Community. Staff will work with the users and Council to mold a program that meets their expectations.



**City Council Regular**

**6.**

**Meeting Date:** 10/21/2014

**Subject:** Approve Plans and Specifications and Order Advertisement for Bids for Project 15-4 - 2015 Well Rehabilitation Program

**Submitted For:** Tim Himmer, Public Works Director **From:** Cher Ridout, Admin Secretary II

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**INTRODUCTION**

As part of the City's Water System Master Plan, Wells 8, 9, 10 and 13 are scheduled for rehabilitation in 2015. Council is requested to approve plans and specifications and order advertisement for bids for this work.

**DISCUSSION**

On September 19, 2014, Council approved an engineering services agreement with Progressive Consulting Engineering, Inc. (PCE) for design and construction services for the 2015 Well Rehabilitation Program. PCE completed the plans and specifications and a cost estimate for rehabilitating four wells. Attached is a letter from PCE outlining the project scope and feasibility of the project.

Wells 8, 9, 10 and 13 are scheduled for rehabilitation in 2015. The four wells were last inspected in detail in 2003 and are in need of repair. Two of the wells are scheduled for complete pump replacement due to age and maintenance history. It is anticipated the project will be advertised in October and November and bids received on November 14, 2014. The construction phase is proposed to be completed in early 2015 before the high demand periods during the summer.

**RECOMMENDATION**

Consider Approval of Resolution No. 15-4(8) Approving Plans and Specifications and Ordering Advertisement for Bids for Rehabilitation of Wells 8, 9, 10 and 13.

---

**BUDGET IMPACT:**

The entire cost of the project (consulting and contracting services) is estimated at \$355,000. \$385,000 is currently contained within the 2015 proposed budget to complete this work.

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**Attachments**

Location Map

PCE 10-14-14 Letter

Project Schedule

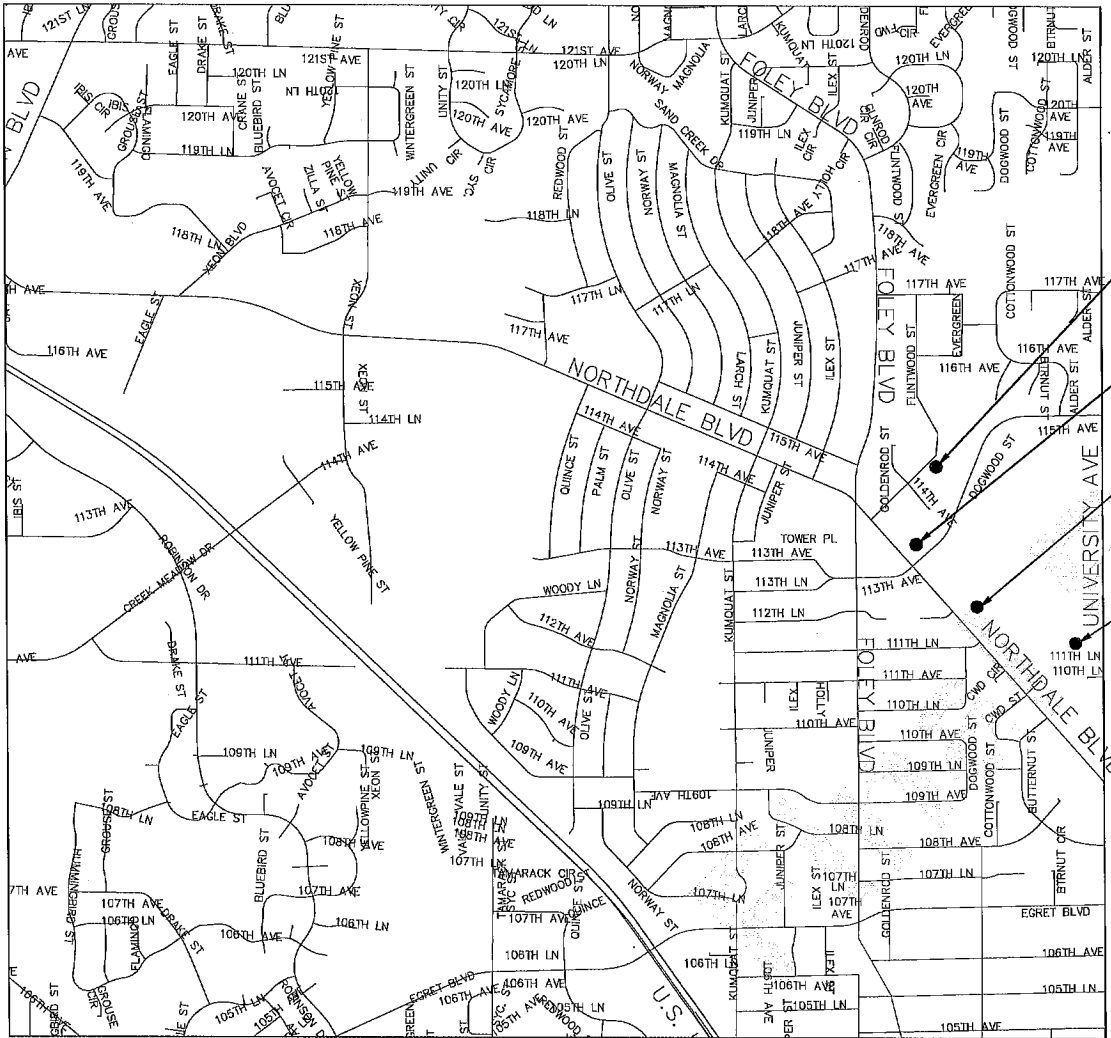
Resolution No. 15-4(8)

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DRAWINGS FOR  
2015 WELL REHABILITATION PROJECT  
COON RAPIDS, MINNESOTA  
CITY PROJECT NO. 05-4

INDEX



DWG NO.	TITLE
GENERAL	
GG1	PROJECT LOCATIONS AND DRAWING INDEX
08G1	WELL PUMPHOUSE 8: SITE PLAN AND WELL RECORD PLAN
09G1	WELL PUMPHOUSE 9: SITE PLAN AND WELL RECORD PLAN
10G1	WELL PUMPHOUSE 10: SITE PLAN AND WELL RECORD PLAN
13G1	WELL PUMPHOUSE 13: SITE PLAN AND WELL RECORD PLAN
PROCESS	
08P1	WELL PUMPHOUSE 8: PROCESS PLAN & ELEVATION
09P1	WELL PUMPHOUSE 9: PROCESS PLAN & ELEVATION
10P1	WELL PUMPHOUSE 10: PROCESS PLAN & ELEVATION
13P1	WELL PUMPHOUSE 13: PROCESS PLAN & ELEVATION
ELECTRICAL	
GE1	ELECTRICAL SYMBOLS AND ABBREVIATIONS
GE2	WELL 8 AND WELL 13 ELECTRICAL SCHEMATICS
GE3	WELL 9 AND WELL 10 ELECTRICAL SCHEMATICS
08E1	WELL PUMPHOUSE 8 ELECTRICAL PLAN
09E1	WELL PUMPHOUSE 9: ELECTRICAL PLAN
10E1	WELL PUMPHOUSE 10: ELECTRICAL PLAN
13E1	WELL PUMPHOUSE 13: ELECTRICAL PLAN

14017-GG1.dwg  
P:\2014 Project Files\14017 - Coon Rapids 2015 Well Rehabilitation Project\2 - Final Design Phase\CAD\  
10/02/14 - 3:54pm

**pce** PROGRESSIVE CONSULTING ENGINEERS INC.  
6120 EARLE BROWN DR. MINNEAPOLIS, MN. 55430  
(763)560-9133 FAX: (763)560-0333

ISSUE	DESCRIPTION	DATE
A	OWNER REVIEW SET	10/02/2014

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.		DESIGNED: DJB	2015 WELL REHABILITATION	COON RAPIDS, MN	JOB NO. 14017	ISSUE A
DRAWN: YN		CHECKED: DJB	PROJECT LOCATIONS AND DRAWING INDEX			DRAWING NO. GG1
DATE: 10/02/2014		NAME: DAVID BROWN DATE: 10/02/2014 REG No: 23052				



# Progressive Consulting Engineers, Inc.

6120 Earle Brown Drive, Suite 629, Minneapolis, MN 55430 ■ (763) 560-9133 ■ www.pce.com ■ FAX (763) 560-0333

October 14, 2014

Tim Himmer, P.E.  
Director of Public Works  
City of Coon Rapids  
11155 Robinson Drive  
Coon Rapids, MN 55433-3761

Re: 2015 Well Rehabilitation  
City Project 15-4  
Council Authorization of Project

Dear Mr. Himmer:

The Project Manual and Drawings for the 2015 Well Rehabilitation Project are complete and the project is ready for Authorization by the Coon Rapids City Council. This letter includes a project summary, engineer's opinion of probable construction cost and project schedule. Please let us know if there is any additional information that would help the council in their authorization process.

Three final copies of the Project Manual and Drawings will be sent under separate cover for the City's use.

## **Project Summary**

The work includes rehabilitation of four of the City's municipal water wells. They are Well Nos. 8, 9, 10 and 13. The last time these wells were rehabilitated and updated was over 11 years ago in late 2003 and early 2004.

Generally, the project includes performing the following base bid work at each well:

1. Removal of well pump and inspection of well pump equipment.
2. Video inspection of each well to determine condition of the well.
3. Replacement of worn and obsolete equipment with new equipment.
4. Replacement of problematic propeller flow meters with new magnetic flow meters.
5. Reinstallation of well pump and equipment.





The project bid will also include prices for Alternate Work. Engineer will review the equipment and prices submitted for Alternate Work with City staff and recommend Alternate work to be selected.

Following is a summary of the potential Alternate Work at each well.

1. Replacement of pump or pump motor
2. Replacement of carbon steel lineshaft with stainless steel lineshaft.
3. Sandblast and paint pump discharge piping.
4. Replace discharge piping and equipment.
5. Replacement of outdated, problematic RF admittance water level measuring devices with new pressure transducer devices.

### **Engineer's Opinion of Probable Construction Cost**

The cost of the project may vary considerably depending on the condition of the equipment and the work required, which cannot be fully known until the equipment is removed and inspected. The bid form has been designed to solicit prices from the bidders for each quantity of the work (Base Bid and Alternate Work) to address these unknowns.

We have separated out the cost opinion by Base Bid Items, Pump Alternate Bid Items, and Well Alternate Bid Items. Please refer to Table 1 for the summary of construction cost opinions and Tables 2.1 through 2.4 for detailed cost opinions by well location.

The first part of Table 1 titled "Based on 100% of Bid Quantities" shows the values based on 100% of the quantities for all bid items. It reflects a total amount of all bid items not an actual construction cost.

The second part of Table 1 titled "Based on Estimated Quantity Requiring Replacement" is our Engineer's Opinion of Probable Construction Cost.

It should be noted that:

1. Due to the equipment replaced under the 2003 well rehabilitation project and other subsequent replacements for equipment failure, we are optimistic that much of the existing equipment will not need to be replaced. This is reflected in Tables 2.1 to 2.4.
2. We have included a bid item for removal of accumulated material under Well Alternates. But accumulated material in the wells has not been removed under previous projects.

The Engineer's Opinion of Probable Construction Cost (base bid, alternates and contingency) for all four wells is \$299,789. This is within the City's approximately \$330,000 budget for the construction costs on this project.



## Progressive Consulting Engineers, Inc.

6120 Earle Brown Drive, Suite 629, Minneapolis, MN 55430 ■ (763) 560-9133 ■ [www.pce.com](http://www.pce.com) ■ FAX (763) 560-0333

### Project Schedule

Attached is the estimated schedule based on Council authorization of the project on Tuesday, October 21, 2014, and bid opening on Friday, November 14, 2014.

If you have any questions or concerns you would like to discuss, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, reading 'David J. Brown'. The signature is fluid and cursive, with the first name 'David' and last name 'Brown' clearly visible.

David J. Brown, P.E.  
Senior Project Manager

2015 Well Rehabilitation  
City of Coon Rapids, MN

Table 1  
Summary of Opinion of Probable Construction Costs

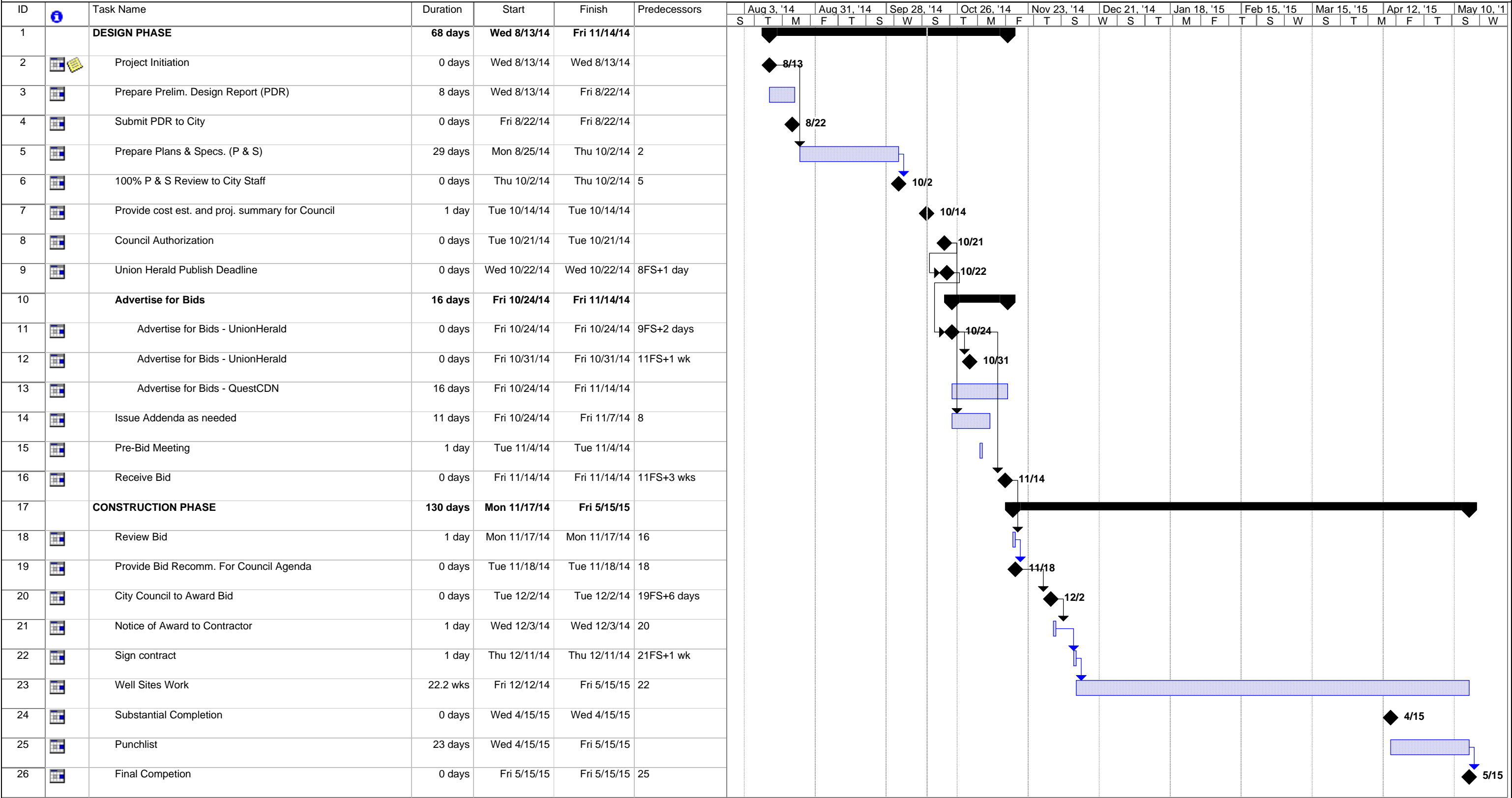
Based on 100% of Bid Quantities

	Well No. 8	Well No. 9	Well No. 10	Well No. 13	Subtotal	Cont. (10%)	Total Cost
Base Bid	\$ 64,115	\$ 56,175	\$ 70,270	\$ 86,145	\$ 276,705	\$ 27,671	\$ 304,376
Pump Alternates	\$ 21,650	\$ 22,550	\$ 16,600	\$ 22,850	\$ 83,650	\$ 8,365	\$ 92,015
Well Alternates	\$ 6,600	\$ 6,600	\$ 6,600	\$ 6,600	\$ 26,400	\$ 2,640	\$ 29,040
Base Bid plus Alternates	\$ 92,365	\$ 85,325	\$ 93,470	\$ 115,595	\$ 386,755	\$ 38,676	\$ 425,431
Contingencies (10%)	\$ 9,237	\$ 8,533	\$ 9,347	\$ 11,560	\$ 38,676		
Total Cost	\$ 101,602	\$ 93,858	\$ 102,817	\$ 127,155	\$ 425,431		

Based on Estimated Quantity Requiring Replacement

	Well No. 8	Well No. 9	Well No. 10	Well No. 13	Subtotal	Cont. (10%)	Total Cost
Base Bid	\$ 54,445	\$ 44,985	\$ 52,960	\$ 72,745	\$ 225,135	\$22,514	\$247,649
Pump Alternates	\$ 15,800	\$ 10,800	\$ 5,000	\$ 15,800	\$ 47,400	\$4,740	\$52,140
Well Alternates	\$ -	\$ -	\$ -	\$ -	\$ -	\$0	\$0
Base Bid plus Alternates	\$ 70,245	\$ 55,785	\$ 57,960	\$ 88,545	\$ 272,535	\$27,254	\$299,789
Contingencies (10%)	\$ 7,025	\$ 5,579	\$ 5,796	\$ 8,855	\$ 27,254		
Total Cost	\$ 77,270	\$ 61,364	\$ 63,756	\$ 97,400	\$ 299,789		

CITY OF COON RAPIDS  
2015 WELL REHABILITATION SCHEDULE



Project: Coon Rapids 2015 Well Reha  
Date: Tue 10/14/14

Task

Split

Progress

Milestone

Summary

Project Summary

External Tasks

External Milestone

Deadline

**RESOLUTION NO. 15-4(8)**

**(8) RESOLUTION APPROVING PLANS AND SPECIFICATIONS  
AND ORDERING ADVERTISEMENT FOR BIDS**

**WHEREAS**, Progressive Consulting Engineers, Inc. has prepared plans and specifications for the improvement of the City's water system by rehabilitation of Wells 8, 9, 10 and 13 and has presented such plans and specifications to the Council for approval; and

**WHEREAS**, the City of Coon Rapids expects to reimburse all or a portion of the project expenditures with the proceeds of debt to be incurred by the City; and

**WHEREAS**, this declaration is made pursuant to Section 1.103-18 of the Income Tax Regulations of the Internal Revenue Service.

**NOW THEREFORE, BE IT RESOLVED** by the City Council of Coon Rapids, Minnesota:

1. Such plans and specifications, a copy of which is attached hereto and made a part hereof, are hereby approved.
2. The City Clerk shall prepare and cause to be inserted in the official paper and in a trade journal, if applicable, an advertisement for bids upon the making of such improvement under such approved plans and specifications. The advertisement shall be published for 21 days, shall specify the work to be done, shall state that bids will be received by the Clerk until 10:00 a.m. on the 14th day of November, 2014, at which time they will be publicly opened in the City Hall by the City Clerk and engineer, will then be tabulated, and will be considered by the Council at 7:00 p.m. on the 2nd day of December, 2014, in the Council Chambers, and that no bids will be considered unless sealed and filed with the Clerk and accompanied by a cash deposit, cashier's check, bid bond or certified check payable to the Clerk for 5% of the amount of such bid.

Adopted this 21st day of October, 2014.

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Tim Howe, Mayor

ATTEST:

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Catherine M. Sorensen, City Clerk



## City Council Regular

7.

**Meeting Date:** 10/21/2014

**Subject:** 2014 Miscellaneous Drainage Improvements

**From:** Mark Hansen, Assistant City Engineer

### INTRODUCTION

During the spring and summer of 2014, staff was contacted by numerous residents throughout the City to address various drainage problems. The spring of 2014 was one of the wettest on record, and as such staff responded to many calls and complaints regarding standing water on City and private properties. In most cases, drainage complaints were addressed as private property matters, and staff responded with general guidance and recommendations on potential options for mitigating the problems. However, in a few cases, staff concluded that work had to be done by City staff and Contractors in order to address the problem. These latter cases are addressed in this memorandum.

### DISCUSSION

Staff seeks Council authorization to complete the following drainage improvement projects.

PROJECT NAME	SUMMARY OF WORK	SCHEDULE	COST ESTIMATE
<b>Location #1</b> Ditch Maintenance in Marshland Park	Excavate accumulated sediment from an existing ditch located within Marshland Park. Residents along 122nd Lane and Ivywood Street complained to staff about water backing up from the ditch onto their back yards during the spring and summer of 2014.	Winter 2014/2015	\$12,000
<b>Location #2</b> Outlet Cleaning at 2225 130th Avenue	Excavate accumulated sediment from a City owned storm sewer outlet located in the rear yard of 2225 130th Avenue. Residents along Raven Street have complained of standing water in the street due to impeded flow at the referenced storm sewer outlet.	Fall 2014	\$3,000
<b>Location #3</b> Storm Sewer Outlet Construction at Hanson Blvd and 121st Avenue	Install a 15" diameter concrete storm sewer outlet pipe for a wetland area west of and adjacent to the Sand Creek Townhomes. Numerous residents along Ibis Circle and Ibis Street have complained to staff of standing water in their back yards due to ponding outside the wetland area next to the townhomes. Currently there is a ditch with an 8" diameter pipe that serves as an outlet. During periods of heavy and successive rain events, storm water has encroached outside the drainage and utility easements of adjacent private properties. In addition, the current outlet system conveys water over a sidewalk east of and along Hanson Boulevard before it reaches an intake inlet. Staff has reviewed the area and worked extensively with the Coon Creek Watershed District and Anoka County to develop a solution. The project is expected to prevent water from collecting on the sidewalk, and provide a permanent reliable outlet system. However due to the presence of wetlands that cannot be impacted on the townhome property, water will likely still occasionally	Anticipated Fall 2014	\$55,000

	pond on adjacent private properties due to elevations that are lower than the wetlands. Staff will continue to monitor the area after the project is complete, and work with the Watershed District on possible future improvements if needed.		
<b>Location #4</b> Pond Maintenance at 11533 Flintwood Street	Residents along Cottonwood Street have complained to staff about standing water located in their rear yard drainage and utility easements. City storm water currently outlets from Flintwood Street and 116th Avenue onto the private property located at 11533 Flintwood Street. Due to the historical nature of development in this area, a suitable permanent outlet system cannot be installed at this time. Storm water currently collects in the rear yard of 11533 Flintwood Street, and during periods of heavy rain events, encroaches onto the properties along Cottonwood Street. Staff proposes to clear tree overgrowth and excavate a holding pond area in the rear yard of 11533 Flintwood Street. The property owners at this address recently provided a drainage and utility easement to the City in order to do this, and have given permission to perform the work. Miscellaneous storm sewer pipe repair is also required on the property.	Fall 2014	\$24,500

A map depicting the locations of the drainage problem areas is attached for reference.

#### **RECOMMENDATION**

Consider Authorizing Pursuit of Bids for work on Drainage Problem Areas.

#### **BUDGET IMPACT:**

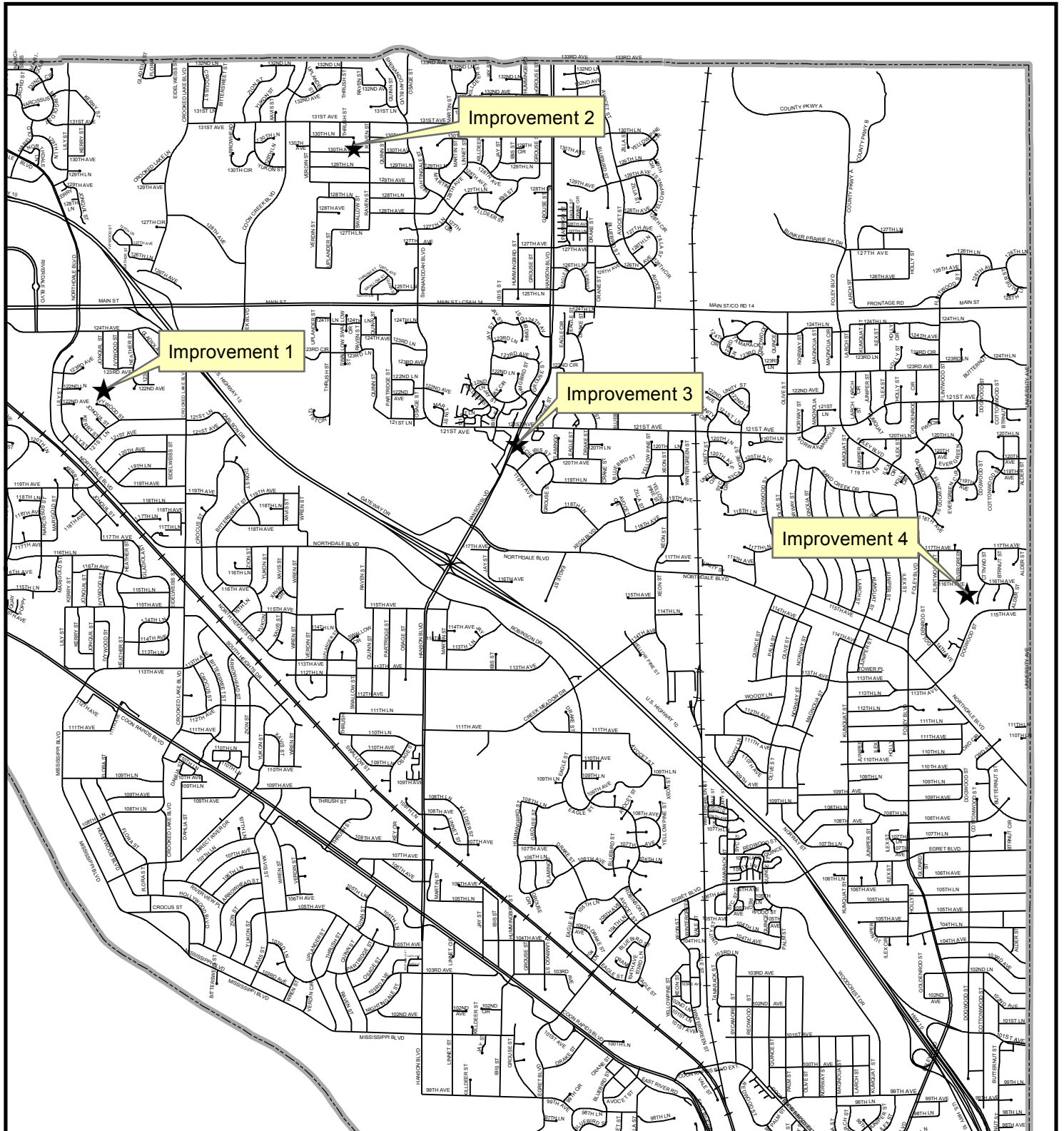
LOCATION	COST ESTIMATE
Location #1 - Ditch Maintenance in Marshland Park	\$12,000
Location #2 - Outlet Cleaning at 2225 130th Avenue	\$3,000
Location #3 - Storm Sewer Outlet Construction at Hanson Blvd and 121st Avenue	\$55,000
Location #4 - Pond Maintenance at 11533 Flintwood Street	\$24,500
<b>Total Cost</b>	<b>\$94,500</b>

The cost of these projects will be paid from the City's Storm Water Utility Fund (640).

#### **Attachments**

2014 Misc Drainage Improvements Location Map

# 2014 Miscellaneous Drainage Improvements



0 2,000 4,000 Feet



COON  
RAPIDS  
Minnesota





## City Council Regular

8.

**Meeting Date:** 10/21/2014

**Subject:** Completion of Exterior Work Requirement

**Submitted For:** Greg Brady, Chief Building Official

**From:** Greg Brady, Chief Building Official

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### **INTRODUCTION**

The Inspections department finds that there is a definite benefit when projects have an established deadline for completion of work authorized by a building permit. This proposed ordinance sets deadlines for the completion of exterior work which has been suspended or stopped. These projects often generate complaints to staff and Council from the public. The goal of the proposed ordinance is to keep these jobs moving toward a firm completion date to avoid such concerns and complaints. Secondly, the department believes it will reduce the amount of staff time spent dealing with such projects.

### **DISCUSSION**

Some work authorized by a building permit can be completed in a week's time or less. However, this is not always the case. Often, interior rough in work takes precedence over exterior finish on most construction projects. The ordinance proposes to, in situations where projects are languishing, set reasonable deadlines for the completion of the exterior facade. Staff has identified twelve properties where work has currently ceased or is taking considerable time to complete.

Under State Statute 326B.121, a municipality may not adopt an ordinance that is more restrictive than the State Building Code. However, an ordinance, such as the one proposed, is allowed under Subdivision 1a after 180 days after permit issuance. The minimum amount of time allowed to start work for which a permit is issued is 180 days. If the work has not started or has been abandoned for 180 days, the permit expires. The proposed ordinance is an extension of these standards. Similar ordinances have been adopted in a number of other metro area communities and used successfully.

Enforcement of this ordinance can be handled through a number of different avenues, including administrative actions, prosecution, or, most likely, through the administrative citation process. The City Attorney and Inspections Department have discussed a policy, to be developed as part of the City's Administrative Citation ordinance (2-1105), that would include the following after the expiration of the initial permit:

1. Request from the permit holder a written explanation for the delay and grant a six month extension upon receipt.
2. If the work remained incomplete, an administration citation/fine would be issued against the property, but stayed for an additional six months.
3. If the work still remained incomplete, a fine would then be imposed upon the property owner.

This progressive enforcement process would give a property owner eighteen months to complete the exterior work on the property. Any interior work would not be subject to this proposed ordinance.

### **RECOMMENDATION**

Introduce Proposed Ordinance Setting Deadlines for Completion of Exterior Work.

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**Attachments**

Exterior Work Ordinance

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## ORDINANCE NO.

### AN ORDINANCE AUTHORIZING COMPLETION OF EXTERIOR WORK DEADLINES AND PROVIDING FOR PENALTIES AND ABATEMENT PROCESSES, THEREBY AMENDING REVISED CITY CODE - 1982 BY ADDING CHAPTER 12-1000, COMPLETION OF EXTERIOR WORK

**The City of Coon Rapids does ordain:**

Section 1. Revised City Code - 1982 is hereby amended by adding Chapter 12-1000,  
Completion of Exterior work as follows: (additions double underlined)

#### CITY OF COON RAPIDS, MINNESOTA

#### CHAPTER 12-1000

#### COMPLETION OF EXTERIOR WORK

12-1001 The City Council finds that the public safety, health, and welfare is impacted by exterior building projects that start, but are not finished in a timely manner, that there is benefit to establishing definitive time periods by which work should be completed so that both the City and the responsible party have a mutual understanding of their rights and obligations, that there should be consequences when responsible parties either fail to meet work deadlines, or fail to complete projects, and a mechanism to allow for abatement of nuisance conditions that unfinished projects tend to create. At the same time, the Council recognizes that, owing to weather and other unforeseen circumstances, it is important that any time frame scheme for work completion include flexibility to recognize the unavoidable delays that might occur. Accordingly, the Council finds that the Chief Building Official should be authorized to require the following time frames for work completion, and should be authorized to initiate a number of compliance and enforcement actions should a responsible party violate those time frames, or otherwise fail to complete a project in a timely manner.

12-1002 Scope. Exterior work authorized by a building permit issued in accordance with the Minnesota State Building Code must be completed within the time frames stated in Section 12-1004, or within the time frames set by the Chief Building Official at the time of permit issuance, whichever is greater.

12-1003 Meaning of Certain Words. "Exterior work" includes work on all exterior parts of a building, including but not limited to: roofs, doors, windows, siding, and stairs. Exterior work also includes work on other exterior structures, including but not limited to: driveways, retaining walls, sheds, detached garages, decks, and fences.

12-1004 Construction and Application. Exterior work authorized by a building permit issued in accordance with the Minnesota State Building Code must be completed within the specified number of days from the date of issuance of the building permit as follows:

(1) Buildings or structures on single family residential property:

(a) <u>Roofs, siding, replacement doors and windows</u>	<u>180 days</u>
(b) <u>Detached structures and sheds</u>	<u>180 days</u>
(c) <u>New construction</u>	<u>365 days</u>
(d) <u>Additions to primary home</u>	<u>365 days</u>
(e) <u>Retaining walls and grading</u>	<u>180 days</u>

(2) Buildings or structures on multifamily residential property:

(a) <u>Twin home exterior work same deadlines as single family</u>	
(b) <u>Quad home exterior work</u>	<u>275 days</u>
(c) <u>Buildings with more than four units</u>	<u>365 days</u>

(3) Buildings or structures on commercial or industrial property:

(a) <u>Building exterior work as determined by the Building Official</u>	
(b) <u>Exterior structures other than primary building</u>	<u>365 days</u>

(4) Notwithstanding the completion deadlines, a building permit expires 180 days from the date of issuance if there is not substantial work completed under the permit as provided in the Minnesota State Building Code. If no work has been completed under the building permit as of its expiration date, the completion deadline for the work under new permit shall be as set forth above.

12-1005 Time Limitation. Upon a showing by the permit holder or property owner that there has been an unavoidable delay in completion of the exterior work, the Building Official, at the Official's discretion, may grant one extension for the completion of the exterior work for a period of not more than 180 days.

12-1006 Violations. Failure to complete all exterior work authorized by a building permit within the specified completion deadline or deadlines, including any extension, is a violation of this Chapter. In such case, the Chief Building Official, in conjunction with the City Attorney, is authorized to take one or more of the following actions:

(1) Initiate a criminal action by citation or formal complaint. A violation of this chapter is a misdemeanor.

(2) Order work to cease.

(3) Process the violation as a public nuisance abatement matter under Chapter 8-1100.

(4) Process the violation or violations as an administrative procedures action under Chapter 2-1100.

(5) Process the matter as a hazardous building under Minnesota Statutes.

(6) Process the matter in any other way as allowed by statute or federal law.

For actions under Section 12-1005(3) and (4), the Chief Building Official is authorized to vary from the compliance timeframes therein as appropriate to the violation, based on factors including, but not limited to:

(a) The amount of time and extensions already allowed for completion;

(b) The nature of the work involved and a normal timeframe to complete;

(c) The visibility of the violation;

(d) Safety, health, and welfare impacts from the work not being completed.

12-1007 Effective Date. This section applies to Exterior work for which a building permit was issued on or after the effective date of this Section. Exterior work for which a building permit was issued prior to the effective date of this Section must be completed by August 1, 2015, unless another deadline was set by the Chief Building Official at or after the time of the issuance of the permit. If Exterior work has been completed or is in progress without the issuance of a building permit, the completion deadline or deadlines do not apply. In such case, the Building Official is authorized to determine a completion deadline.

Section 2. The effective date of this ordinance will be \_\_\_\_\_.

Introduced this \_\_\_\_ day of \_\_\_\_\_, 2014

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2014

\_\_\_\_\_  
Tim Howe, Mayor

ATTEST:

\_\_\_\_\_  
Joan Lenzmeier, City Clerk



**City Council Regular**

**9.**

**Meeting Date:** 10/21/2014

**Subject:** Right of Entry Agreement

**Submitted For:** Greg Brady, Chief Building Official

**From:** Greg Brady, Chief Building Official

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**INTRODUCTION**

Council is asked to approve the execution of the attached Right of Entry for the property at 9095 East River Road for the purposes of removing the structures, which have fallen into disrepair.

**DISCUSSION**

The property at 9095 East River Road has been in a state of disrepair for several years. A rental inspection was initially conducted on the property on June 10, 2010 and failed. Corrections were ordered on June 22, 2010 but, to date, have not been completed. Attempts to contact the property owner have gone unanswered and recently Anoka County has taken possession of the property due to the non-payment of property taxes. The property is in a state of severe disrepair, is considered a public nuisance, and was declared "uninhabitable" on April 16, 2012. Staff has been moving towards having the buildings declared hazardous so that they can be removed. However, when staff became aware of the property's ownership by Anoka County, staff stopped the hazardous building declaration process and discussed the matter with the County. The County is agreeable to it being razed and costs assessed to the property. The attached Right of Entry Agreement is required by Anoka County and will allow the City to enter the property to remove the structures.

**RECOMMENDATION**

Consider Approval of Proposed Right of Entry Agreement with Anoka County.

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**BUDGET IMPACT:**

The demolition costs are estimated to be between \$7000 and \$10,000. Costs will be assessed against the property and repaid to the City following the sale of the property by the County.

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**Attachments**

Right of Entry Agreement

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## **RIGHT-OF-ENTRY AGREEMENT**

THIS RIGHT-OF-ENTRY AGREEMENT is made this \_\_\_\_ day of \_\_\_\_\_, 2014 ("Effective Date"), by and between the County of Anoka, a political subdivision of the State of Minnesota ("County"), 2100 Third Avenue, Anoka, Minnesota 55303, and the City of Coon Rapids, a Minnesota municipal corporation, 11155 Robinson Drive, Coon Rapids, Minnesota 55433 ("City").

### **WITNESSETH:**

WHEREAS, property located at 9095 East River Road, Coon Rapids Minnesota, which is legally described in Exhibit A ("Premises"), which is attached hereto and incorporated herein, has forfeited to the State of Minnesota, in trust for the taxing districts, for the failure to pay ad valorem real estate taxes; and

WHEREAS, pursuant to Minnesota law, the County administers tax-forfeit property located within Anoka County; and

WHEREAS, there is a dilapidated, non-habitable home located on the Premises; and

WHEREAS, because of the poor condition of the home, the City was in the process of condemning the Premises before the County began the tax-forfeit process; and

WHEREAS, pursuant to the provisions of Minn. Stat. §282.01, subd. 1a, the City will be applying to the County to purchase the Premises; and

WHEREAS, the City desires to enter upon the Premises prior to acquiring title so that it can remove the dilapidated house and other improvements that are located on the Premises (hereinafter collectively referred to as "Improvements"); and

WHEREAS, subject to the terms and conditions contained herein, the County is willing to grant to the City a right of entry.

NOW, THEREFORE, in consideration of the terms and conditions contained herein, the parties hereto agree as follows:

### **ARTICLE I RIGHT OF ENTRY**

Subject to the terms and conditions contained herein, the County hereby grants to the City the right to enter upon the Premises for the purpose of removing the Improvements. The City shall perform its work in a safe and workmanlike manner. At all times during the term of this Agreement, the City shall keep the Premises in an orderly condition. The City shall comply with all applicable federal, state and local laws, statutes, regulations, ordinances, rules, orders, requirements, and decisions that may apply to the work that it performs on the Premises. Prior to entering upon the Premises, the City shall obtain all necessary permits required to perform the work contemplated by this Agreement. After completion of the work, the City shall: (a) remove all equipment and other personal property from the Premises; (b) remove all debris resulting from the demolition of the Improvements; and (c) in coordination and consultation with the County, restore the affected portion of the Premises to an acceptable condition subject to the County's reasonable satisfaction. The City shall not allow any mechanics', material

suppliers', and/or other liens arising out of any work, labor done, services performed, or materials furnished for the City or its contractors or consultants or claimed to have been furnished for the City or its contractors or consultants to be filed or perfected against the Premises. The City shall be solely responsible for all costs and expenses related to the demolition of the Improvements, and the removal and disposal of the resulting debris.

## **ARTICLE II TERM AND TERMINATION**

The term of this Right-of-Entry Agreement shall commence on the Effective Date and shall terminate upon the satisfactory completion of all the work provided for herein, which shall be no longer than sixty (60) days from the Effective Date.

## **ARTICLE III LIABILITY**

Subject to exceptions and limitations provided by law, including but not limited to those contained in Minnesota Statutes Chapter 466, the City shall defend, indemnify and hold harmless the County from and against any and all claims arising from or related to the acts or omissions of the City or the City's employees, officers, consultants, contractors, agents, and invitees related to the work performed on the Premises and the disposal of the debris.

## **ARTICLE IV INSURANCE**

The City or its contractor shall procure and maintain in full force and effect during the term of this Agreement, insurance coverage for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by the City, its agents, representatives, employees or contractors. The insurance coverage shall satisfy the requirements set forth in Exhibit B, which is attached hereto and incorporated herein.

## **ARTICLE V COPIES OF REPORTS**

The City shall provide to the County, free of charge, copies of all reports generated and/or arising from the work to be performed on the Premises.

## **ARTICLE VI NOTICES**

Any notice provided for or concerning this Agreement shall be in writing and shall be deemed sufficiently given when sent by certified or registered mail, if sent to the respective addresses noted below:

To the City:                      Steve Gatlin  
   City Manager  
   Coon Rapids City Hall  
   11155 Robinson Drive  
   Coon Rapids, Minnesota 55433



with copy to: David Brodie  
Coon Rapids City Attorney  
Coon Rapids City Hall  
11155 Robinson Drive  
Coon Rapids, Minnesota 55433

To the County: Jonell Sawyer  
Division Manager  
Property Records and Taxation  
2100 Third Avenue  
Anoka, Minnesota 55303

with copy to: Dan Klint  
Assistant Anoka County Attorney  
Anoka County Attorney's Office  
2100 Third Avenue, STE 720  
Anoka, Minnesota 55303

Any party may change its address for notices from time to time by serving written notice of the change upon the other parties at least ten (10) days prior to the effective date of the change.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed.

**COUNTY OF ANOKA**

By: \_\_\_\_\_  
Rhonda Sivarajah, Chair  
Anoka County Board of Commissioners

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Jerry Soma  
County Administrator

Dated: \_\_\_\_\_

**APPROVED AS TO FORM**

By: \_\_\_\_\_  
Dan Klint  
Assistant County Attorney

Dated: \_\_\_\_\_

**CITY OF COON RAPIDS**

By: \_\_\_\_\_  
Its: \_\_\_\_\_

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Its: \_\_\_\_\_

Dated: \_\_\_\_\_

**APPROVED AS TO FORM**

By: \_\_\_\_\_  
Its: \_\_\_\_\_

Dated: \_\_\_\_\_

### **EXHIBIT A**

That part of Lot 9, Block 1, of Aqua Vista in Anoka County, Minnesota, described as follows:

Commencing on the Westerly line of Lot 9 at a point, 517.2 feet northerly from the South corner of said block 1; thence Northeasterly in a direct line 194 feet more or less to a point on the East line of said Lot 9, said point being 5 feet South of the Northwest corner of Lot 11, Auditor's Subdivision Number 43 in said Anoka County, thence North on said East line of Lot 9 a distance of 184 feet to center of drainage ditch as now existing; thence Southwesterly on said center of drainage ditch 270 feet more or less to Westerly line of said Lot 9; thence Southerly on said Westerly line of Lot 9 a distance of 144 feet to place of commencement, according to the duly recorded plat thereof, together with streets and alleys adjacent thereto vacated or to be vacated, according to the recorded plat thereof, on file and of record in the office of the Registrar of Deeds in and for Anoka County, Minnesota.  
Excepting all that part of the foregoing contained within the parcel described in certificate of Title No. 90330.

PIN 35 31 24 11 0016

**EXHIBIT B**  
**INSURANCE REQUIREMENTS - Demolition**

Bidders/contractors/consultants (hereinafter referred to as the "Contractor") will procure and maintain for the duration of this Agreement/Contract (hereinafter referred to as the "Contract"), insurance coverage for injuries to persons or damages to property which may arise from or in connection with the performance of the work herein by the contractor, its agents, representatives, employees or subcontractors. Contract No. C000 3817.

- 1.1 Commercial General Liability and Umbrella Liability Insurance.** Contractors will maintain Commercial General Liability (CGL) and, if necessary, commercial umbrella insurance with a limit of not less than \$2,000,000 each occurrence.
  - 1.1.1 CGL Insurance will be written on ISO occurrence form CG 00 01 96 (or a substitute form providing equivalent coverage), and will cover liability arising from premises, operations, independent contractors, products-completed operations, personal injury and advertising injury, and liability assumed under an insured contract including the tort liability of another assumed in a business contract.
  - 1.1.2 **Anoka County** will be included as an insured under the CGL, using ISO additional insured endorsement CG 20 10 or substitute providing equivalent coverage, and under the commercial umbrella, if any. This insurance shall apply as primary insurance with respect to any other insurance or self-insurance programs maintained by Anoka County. There will be no endorsement or modifications of the CGL to make it excess over other insurance available; alternatively, if the CGL states that it is excess or pro-rata, the policy will be endorsed to be primary with respects to the additional insured.
  - 1.1.3 Coverage as required in paragraph in 1.1 above will include Per-Project General Aggregate Limit, using ISO form CG 25 03 (or a substitute form providing equivalent coverage).
  - 1.1.4 The County's insurance shall be excess of the contractor's insurance and will not contribute to it. The contractor's coverage will contain no special limitations on the scope of protection afforded to the County, its agents, officers, directors, and employees.
- 1.2 Automobile Liability and Umbrella Liability Insurance.** Contractor will maintain automobile liability and, if necessary, commercial umbrella insurance with a limit of not less than \$2,000,000 each accident.
  - 1.2.1 Automobile insurance will cover liability arising out of any auto (including owned, hired and non-owned autos). If the Contractor does not own any vehicles, Anoka County will accept hired and non-owned autos with a letter from the Contractor stating that it does not own any autos.

1.2.2 Coverage as required in paragraph in 1.2 above will be written on ISO form CA 00 01, or substitute form providing equivalent liability coverage. If necessary, the policy will be endorsed to provide contractual liability coverage equivalent to that provided in the 1990 and later edition of CA 00 01.

1.2.3 **Waiver of Subrogation.** Contractor waives all rights against Anoka County and its agents, officers, directors and employees for recovery of damages to the extent these damages are covered by the business auto liability or commercial umbrella liability insurance obtained by Contractor pursuant to Paragraph 1.2 of this Exhibit.

1.3 **Workers' Compensation Insurance.** Contractor will maintain Workers' Compensation Insurance as required by the State of Minnesota and Employers Liability Insurance with a limits not less than \$1,000,000 Bodily Injury By Accident for each accident, not less than \$1,000,000 Bodily Injury By Disease each employee and not less than \$1,000,000 Bodily Injury By Disease policy limit.

1.3.1 Contractor waives all rights against Anoka County and its agents, officers, directors, and employees for recovery of damages to the extent these damages are covered by the Workers' Compensation and Employers' Liability or Commercial Umbrella Liability Insurance obtained by Contractor pursuant to paragraph 1.3 of this agreement. Contractor will obtain an endorsement equivalent to WC 00 03 13 to affect this waiver.

#### 1.4 **Other Insurance Provisions**

1.4.1 Prior to the start of this Contract, Contractor will furnish Anoka County with a completed copy of Anoka County's certificate of insurance form, which is attached as part of this Exhibit, or as a certificate of insurance and copies of the endorsements, executed by a duly authorized representative of each insurer, showing compliance with the insurance requirements set forth above.

1.4.2 All certificates will provide for 30 days written notice to Anoka County prior to the cancellation or material change of any insurance referred to in this Contract.

1.4.3 **No Representation of Coverage Adequacy.** By requiring insurance herein, Anoka County does not represent that coverage and limits will necessarily be adequate to protect the Contractor, and such coverage and limits shall not be deemed as a limitation on Contractor's liability under the indemnities granted to Anoka County in this Contract.

1.4.4 Failure of Anoka County to demand such certification or other evidence of full compliance with these insurance requirements or failure of Anoka County to identify deficiency from evidence that is provided will not be construed as a waiver of Contractor's obligation to maintain such insurance.

- 1.4.4 Failure to maintain the required insurance may result in termination of this Contract at Anoka County option.
- 1.4.6 Contractor will provide certified copies of all insurance policies required herein within 10 days of Anoka County's written request for said copies.
- 1.4.7 **Cross-Liability coverage.** If Contractor's liability does not contain the standard ISO separation of insured provision, or a substantially similar clause, they shall be endorsed to provide cross-liability coverage.
- 1.4.8 **Acceptability of Insurers.** Anoka County reserves the right to reject any insurance carriers that are rated less than: A.M. Best rating of A: IV
- 1.4.9 Contractor's insurance agent must sign the form stating that he/she has read the insurance requirement and the insurance provided complies with the insurance requirements as specified in the Exhibit 1.



**City Council Regular**

**10.**

**Meeting Date:** 10/21/2014

**Subject:** Bunker Hills Clubhouse Food/Beverage Operator

**Submitted For:** Sharon Legg, Finance Director

**From:** Sharon Legg, Finance Director

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**INTRODUCTION**

It is requested that the City Council authorize a memorandum of understanding with a management consultant for the operation of the food and beverage operation at Bunker Hills Golf Club.

**DISCUSSION**

As the City Council is aware, the City authorized a Temporary Assignment Agreement with the present operator of the food and beverage operation at Bunker Hills Golf Club until November 2 at which time a new vendor would work with the City to operate the facility. Staff has been in discussion with five potential operators and is recommending Morrissey Hospitality Companies Inc. (MHC) to manage the facility for the City. Unlike the present arrangement with the food and beverage provider, MHC will manage the operation with the City. The City will retain profits with MHC receiving a management fee and incentives for increasing both gross sales and net income.

The Morrissey Hospitality Companies presently manage a number of restaurant and catering facilities around the metropolitan area including the St. Paul Grill, Pazzaluna Urban Italian Restaurant and Bar as well as Tria Restaurant and Bar. MHC has been managing facilities since 1995. MHC also provides management services to the St. Paul River Centre and Hillcrest Golf Club.

The selection committee reviewed proposals and interviewed Prom Management Group, Break Bread Hospitality, Lancer Hospitality, Tri-City Management as well as Morrissey Hospitality Companies. Based on their experience with both banquet and restaurant facilities as well as golf courses, staff feels that MHC is well positioned to guide the City to the highest revenue potential and level of customer service.

Staff is requesting that the City Council approve a memorandum of understanding with Morrissey Hospitality Companies Inc. in anticipation of a contract approval in the near term. The Morrissey Hospitality Companies Inc. will be paid a monthly fee for the first four months of the agreement of \$8,500. Thereafter, the management fee and incentives would begin.

**RECOMMENDATION**

Consider Approval of Memorandum of Understanding with Morrissey Hospitality Companies Inc.

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**Attachments**

**MOU**

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## **MEMORANDUM OF UNDERSTANDING**

### **THE CITY OF COON RAPIDS, MINNESOTA AND MORRISSEY HOSPITALITY COMPANIES, INC**

**THIS MEMORANDUM OF UNDERSTANDING** made and entered into this \_\_\_\_ day of October, 2014 by the City of Coon Rapids, a Minnesota municipal corporation, hereinafter referred to as “City”, and, Morrissey Hospitality Companies, Inc, a Minnesota corporation, hereinafter referred to as “Morrissey.”

#### **WITNESSETH:**

Morrissey is as a full-service hospitality management, development, and consulting company in Minnesota; and

The City operates Bunker Hills Golf Club which has restaurant/bar and banquet center facilities; and,

The City has been leasing the space to a food/beverage provider since 2011; and,

The City executed a Temporary Assignment agreement with the present provider until November 2, 2014 at which time the present provider will no longer be leasing space from the City or providing restaurant and banquet service at Bunker Hills Golf Club; and,

The City is desirous of contracting with Morrissey to manage the restaurant/bar and banquet center facilities on a fee basis until such time as final terms of the contract can be completed; and,

Morrissey wishes to manage the restaurant/bar and banquet facilities at Bunker Hills Golf Club on behalf of the City; and

Time is of the essence to allow service to continue to the customers of the facilities.

#### **NOW THEREFOR, BE IT RESOLVED:**

1. That the parties agree in principal that effective November 3 2014, the City will contract with Morrissey to manage the bar/restaurant and banquet facilities at Bunker Hills Golf Club at a fee of \$8,500 per month in addition to an accounting fee of \$2,500 per month.
2. The parties will continue to work to together in good faith to execute a management agreement for a mutually agreeable term and with all additional conditions as agreed upon.
3. The parties will continue to work together to continue the operations at the restaurant/bar and banquet facilities at Bunker Hills Golf Club

**IN WITNESS WHEREOF**, the parties hereto have executed this Agreement as of the day and year first above written.

Morrissey Hospitality Companies, Inc.

By: \_\_\_\_\_

City of Coon Rapids

By: \_\_\_\_\_

Tim Howe, Mayor

By: \_\_\_\_\_

Steve Gatlin, City Manager





**City Council Regular**

**11.**

**Meeting Date:** 10/21/2014

**Subject:** Class A On Sale and Sunday Liquor License for Morrissey Hospitality Companies, Inc. d/b/a Harvest Grill

**From:** Joan Lenzmeier, City Clerk

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**INTRODUCTION**

Council is asked to approve a Class A On Sale and Sunday Liquor License for Morrissey Hospitality Companies, Inc., d/b/a Harvest Grill.

**DISCUSSION**

Phil Jungwirth, on behalf of Morrissey Hospitality Companies, Inc. has submitted an application for a Class A On Sale and Sunday Liquor License for Harvest Grill located at 12800 Bunker Prairie Road.

The City plans to enter into a Memorandum of Understanding with Morrissey Hospitality Companies, Inc., to manage the restaurant/bar and banquet facilities at Bunker Hills Golf Club on behalf of the City. Assuming that Council approves the Memorandum of Understanding with Morrissey Hospitality Companies, Inc., Staff recommends approval of the Class A On Sale and Sunday Liquor License for Morrissey Hospitality Companies, Inc., d/b/a Harvest Grill conditioned on the following:

1. The license and investigation fees be paid;
2. Satisfactory Completion of background investigations on partners and restaurant managers of Morrissey Hospitality Companies, Inc.
3. Receipt of a Certificate of Insurance evidencing appropriate liquor liability insurance;
4. Receipt of a Certificate of Insurance evidencing worker's compensation coverage; and
5. Receipt of Evidence of Anoka County Food Service License.

**RECOMMENDATION**

Consider Approval of Class A On Sale and Sunday Liquor License for Morrissey Hospitality Companies, Inc. d/b/a Harvest Grill with Conditions.

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